



The Policies of Land Reform in South Africa
An analysis of actors and institutions based on four case studies

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Abstract

This thesis deals with the South African land reform programme based on the approach of *actor-centered institutionalism* developed by Fritz Scharpf and Renate Mayntz. The poor performance of the land reform's largest component, the redistribution programme, is analysed on the basis of a comparison of four cases of land redistribution and interviews on the ground. The findings of the case studies combined with extensive research on the institutional framework of land reform provide empirically founded explanations for the failure of the programme. These findings suggest that interaction modes of hierarchical direction deriving from the institutional framework of land reform cause outcomes that disadvantage a large proportion of potential land reform beneficiaries. Furthermore, beneficiaries appear to adopt a rather passive role in interactions on the level of policy implementation. The research sheds light on a factor that has been widely neglected so far: the need to include the *beneficiaries* of land reform into the academic and political debate as relevant actors within the policy process. In light of the evident threat that social imbalances pose to South Africa's young democracy, dealing with the issue of land redistribution requires empowerment of the poor and landless. The findings of this study suggest that the state as well as civil society need to redefine their roles in the policy process.

Acronyms and abbreviations

AgriBEE	Agricultural Black Economic Empowerment
Agri SA	Agri South Africa
ANC	African National Congress
Coop	Cooperative
COSATU	Congress of South African Trade Unions
DLA	Department of Land Affairs
DRDLR	Department of Rural Development and Land Reform
EFA	Emerging Farmers Association
GEAR	Growth Employment and Education programme
LARP	Land and Agricultural Reform Programme
LRAD	Land Reform for Agricultural Development
LPM	Landless People's Movement
NDA	National Development Agency
NGO	Non-Governmental Organisation
NP	National Party
PLAAS	(Institute for) Poverty, Land And Agrarian Studies
PLAS	Proactive Land Acquisition Strategy
RDP	Reconstruction and Development Programme
RSA	Republic of South Africa
SACP	South African Communist Party
SLAG	Settlement/Land Acquisition Grant
SPP	Surplus Peoples Project
UWC	University of the Western Cape
WFP	Women on Farms Project

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Preliminary Note

Under all circumstances, labelling people by the colour of their skin is a precarious issue. This applies maybe even more in the South African context. Because of its “*strongly racist history*” South Africa is a country with an “*extreme sensitivity to racial differences*” (De Klerk 2011: 43). Most terms used to refer to a person’s colour of skin develop negative connotations over time. I am aware of the need to be very conscious of the terms I apply and the fact that I am likely to reproduce social norms and stigmatisations by using a certain language. The terms *Blacks* or *Black People* in this work are used in the way they are being incorporated in the South African legislation. There, the term *Blacks* “*is a generic term which means Africans, Coloureds and Indians*” (RSA 2003) and refers to the groups disadvantaged under Apartheid. The term *Whites* in this study also refers to the South African legislation and likewise has to be seen in the context of Apartheid laws where it meant people of European descent whose colour of skin was accepted as *White* within their community¹ and who constituted the ruling minority until 1994². The redistribution of *white-owned* land is central to the South African land reform programme (DLA 1997).

¹ This definition stems from Apartheid legislation that tried to deal with *black* people of light skin. It was meant to ensure that only “*real*” whites were included into the ruling group. Cf. Countrystudies.us (2011)

² A discussion of racism and language in contemporary South Africa can be found here: Ballard (2003). The role of group identities in the South African Context is examined by Gibson (2006)

1. Introduction

“Land questions have played a key role in the history of South Africa, and their successful resolution is critically important for stability, democracy and development.”
(Cousins 2009).

Under the Apartheid system the distribution of land was a cornerstone for the politics of racial segregation in South Africa. Forced removals and displacements of the black population coined the 20th century and will remain part of the collective memory for decades to come. Today, with this in mind, the distribution of land is a measuring instrument for social equality or respectively the absence of it. But land is not only that, the equitable access to arable land also bears opportunities for growth and development for individuals as well as the national economy as a whole (DLA 1997). Quite a few observers regard a more equal distribution of land between all South African citizens as a benchmark for democratisation that indicates to what extent historical power relations have changed since the transition to majority rule in 1994 (Kariuki 2004). Eventually, to some South Africans, land is a symbol of power.

After the end of Apartheid land reform proved to be one of the most prominent topics in South African politics. Setting up a land reform programme was among the first actions conducted by the new government under Nelson Mandela (cf. DLA 1997; Office-of-the-Presidency 1994). The objective of the programme was to settle all claims for the restitution of once dispossessed land within ten years and to have 30 percent of white-owned agricultural redistributed to black ownership by 1999. Later, the target for restitution was first extended to 2008, then to 2011, at the same time the period in which to redistribute white-owned farm land was prolonged by 15 years until 2014 (Cousins 2009).

While most restitution claims have been settled today, the 30 percent target for redistribution seems to be far beyond reach. Only about six percent of white-owned

land had been redistributed in total by 2010 of which 46 percent were allocated under the restitution programme³ and only 54 percent under redistribution (PLAAS 2010).

This slow progress conflicts with the importance that has been ascribed to land reform from the very beginning of the programme until today. The South African constitution states that “*the public interest includes the nation’s commitment to land reform, and to reforms to bring about equitable access to all South Africa’s natural resources (...)*” (RSA 1996a). The Congress of South African Trade Unions, member of the government in the Tripartite Alliance⁴, refers to land reform as a priority on its political agenda (COSATU 2003) while the second alliance partner, the SACP, not only emphasizes the importance of land reform, but even repeatedly called for expropriations to speed up the process (SACP 2005). South Africa’s strongest political force, the ANC, wrote in its 2009 policy framework: “*ANC government will work to intensify the land reform programme, so as to ensure that more land is in the hands of the rural poor*” (ANC 2009).

The South African academic community has dealt extensively with the issue of land reform over the past two decades. Conservative think tanks have acknowledged the necessity for land reform (CDE 2008) the same way as more left winged researchers have (e.g. Greenberg 2010a; Lahiff 2002a). According to Andries Du Toit, researcher at PLAAS, South Africa’s largest research institution concerned with the issue, land reform is closely connected to the country’s ability to ensure food security and political stability as well as environmental sustainability (Du Toit 2008).

In other spheres of society, the importance of land reform has likewise been acknowledged. In numerous statements representatives of the business community have declared their commitment to land reform (cf. among others: Interview with Annelize Crosby 2011; Mail and Guardian 2011a; PLAAS 2011). Land reform is widely discussed within the business community and there has been very active

³ It has never been quite clear, whether the 30 percent target was meant to incorporate the land allocated under the restitution programme from the beginning, it seems that at least since the year 2000 when the slow progress of reform became evident, the figures on redistributed land contain land allocated under both programmes.

⁴ The Tripartite Alliance consists of the ANC, COSATU and the South African Communist Party (SACP). The three alliance partners compete together in elections with SACP and COASTU candidates being enlisted on ANC party tickets. Cf. Ambacher/Khan (2010)

engagement with the policies from the beginning, especially by organized agricultural business, with the declared objective of contributing to successful land reform (ABC 2011). The South African government and the private sector agree that Land reform as a central part of the constitutional settlement requires sacrifices and compromises by all parties involved (CDE 2008).

At the same time the redistribution programme has had only marginal impact on the allocation of land. Even though on the surface land reform has received overall support, observers of the process largely agree that the redistribution programme's performance record is frustrating. Especially NGOs engaging in land reform projects express discontent, some going as far as declaring the programme to be a complete failure (Interview with Ricardo Jacobs 2011). Others formulate more carefully and state rather generally a slow pace of redistribution (CDE 2008: 7). Henry Bernstein concluded in March 2011 that the extent of land redistribution has *"(...) been limited in the extreme as emphasised both by those who want to see much more extensive, farmer-oriented, land redistribution and those who maintain that it is mistaken"* (Bernstein 2011).

It seems strange that a subject declared to be of the highest importance not only for reconciliation and justice but also as a means to fight poverty has been pursued with so little effect. The academic engagement with the land reform programme has so far not succeeded in producing satisfying explanations for this outcome⁵. Therefore, the research question of my thesis is:

"How can it be explained, that the South African land redistribution programme was not implemented in the aspired way, despite the great importance that has been and still is ascribed to a successful implementation of the programme by the South African government, the political opposition, science and the business community alike?"

My research is based on Fritz Scharpf's concept of *actor-centered institutionalism* that allows for putting an equal emphasis on both the actors and the structures that influence the formulation and implementation of policies. My thesis will contribute

⁵ I will elaborate on this in chapter 1.3

towards an understanding of the dynamics surrounding the implementation of land reform policies and provide hypotheses that can form the foundation for further goal-oriented research and could be the basis of a coherent and comprehensive explanation why a more equal distribution of land seems so hard to achieve.

1.1 Objectives of the Study

The South African land reform programme is an issue of great complexity. Many different actors are involved in shaping the policies and their implementation. The historical background and the different actors' preferences that shaped the institutional framework of land reform are not easily understood. In order to explain the shortcomings of South African land reform one has to develop an understanding of the institutional framework of the process as well as the actors interacting within it. One objective of this thesis will therefore be to give an overview on the different aspects of the policy process and the actors involved.

To be able to make informed assumptions about the factors influencing the redistribution process, the motives and objectives of the different actors and the relationship between institutions and actors it is necessary to get more specific knowledge on the land reform process on the level of policy making as well as the level of policy implementation. Data about the policy process can be gathered extensively from the bulk of scientific literature on land reform and the generally well accessible policy documents and official media reports and statements. But to be able to arrange the different opinions and establish the institutional framework of land reform that reflects on the process of implementation, more intimate knowledge is needed. In this context I undertook a field trip to South Africa in August/September 2011 where I conducted interviews with representatives of various actors that could be identified from the literature as key players with regard to land reform policies. I also accompanied two NGOs in their daily work with land reform beneficiaries for a few days. All this enabled me to get intimate information on local developments, specific cases of redistribution and a change of perspective that helped me to better put into context the often diverging positions on the reform process.

The interviews also helped me to assess how the institutional framework, how different views and expectations regarding land reform influence the redistribution process and to understand what is happening on the ground. Systematically formatted knowledge about the level of policy implementation can, in my view, best be derived from examining specific cases. I looked at a number of cases of land redistribution or respectively attempts to redistribute land and selected four cases that seemed suitable for a comparative study. I will combine the data won from these cases with information about the institutional framework of land reform⁶. At the end of my work I will try to give a coherent and complexity reduced explanation of why the implementation of land redistribution policies has proven to be such a challenge to South Africa's young democracy.

My research question leads to different sub-questions that will have to be answered in the course of this study:

1. Which actors are directly involved in shaping the land redistribution policies and what are the objectives of those actors?
2. What are the objectives of the policies on land redistribution?
3. How does the institutional framework influence the nature of redistribution policies?
4. Which actors are directly involved in implementing these policies and what are the objectives of those actors?
5. How does the institutional framework influence the implementation of land redistribution policies?

In order to answer these questions I will look at the land reform process on two levels. By looking at the macro-level I will show how land reform policies have been shaped by different actors since the end of Apartheid. The objective will be to explain how policies developed over time, which actors influenced the process and what these actors' preferences and orientations regarding land reform were. To establish this I will rely on scientific literature, media reports, official documents issued by the relevant actors and the interviews conducted with representatives of various actors.

⁶ I will come back to the issue of methodology in chapter 3.

On the second level I will look at the implementation of land reform policies *on the ground*. This *micro perspective* will show how the institutional framework shapes the strategic actions and interactions of actors involved in the implementation of the land reform policies. It will also help to explain peculiarities that cannot be explained satisfactory through macro-level analysis. By looking at specific cases of land redistribution and linking the insights won from these cases to knowledge about the institutional framework of land reform, it should be possible to determine whether the problem lies within the policy framework or rather on the ground with the actors that are supposed to implement these policies or if the reasons lie on both levels.

1.2 Structure of the Thesis

The construction of the thesis can be roughly divided into four steps. After preliminarily looking at the existing literature on the South African land reform programme and introducing the theoretical framework of my study, the first step establishes a general understanding of the policy framework of land reform. The development and content of the different land reform policies are outlined and the historical background of the programme explained.

The second part looks at the actors on the national level that shaped the redistribution policies and how these actors were in turn influenced by the institutional framework. I will explain the objectives that different actors have with regard to land reform and demonstrate how and where these objectives converge or in which instances they point into different directions.

In a third step Fritz Scharpf's concept of *actor-centered institutionalism* is being used more explicitly. The local level of the implementation of land redistribution policies is examined to analyse the impact the different actors and the institutional framework have on the redistribution process. This is done by comparing four cases of land reform. I will analyse how the actors interact on the local level, in what way they are influenced by the institutional framework of land reform, how they resolve conflicts and what coherent explanations for the outcomes of each case might be.

In the conclusion of my thesis I will determine if and how my explanations for the individual cases can be generalized. By linking these explanations to the data on the general framework of the South African land reform, hypotheses are generated that help to explain the failure of land redistribution and answer my research question.

1.3 Existing Literature on the South African Land Reform Programme

There is a vast amount of literature on the South African land reform programme. Significant parts of this literature deal with the shortcomings of the redistribution programme. These analyses converge in some points, about others strong disputes prevail.

Ruth Hall (2009) identifies four competing paradigms with regard to land reform. A *market based approach* with a focus on commercial production and reliance on the market to redistribute land. A *Gearing up with the private sector* approach that prefers less state intervention and more joint ventures of commercial farmers and the poor, which is not too far from the market based thinking. Third she describes a *developmental state* paradigm, which focuses on smallholder family farming supported by heavy state interventions in land- and agrarian markets. And the last line of thinking is termed *radical restructuring* aiming to counteract the influence of agribusinesses by using punitive legal measures and policies (Hall 2009).

Various attempts to explain the failure of land redistribution can be found, all of them to some degree influenced by these lines of thinking, sometimes producing hybrid models of the different paradigms. The publications examining the deficiencies of land redistribution can roughly be divided into two groups: overly complex explanations and rather one-dimensional ones. I will start by introducing some of the rather one-sided analyses.

The Centre for Development and Enterprise is very critical of *state led* land reform because, according to the CDE, these kinds of “*reform mechanisms have been unsuccessful all over the world*” (CDE 2008: 7). According to CDE, in South Africa private-sector initiatives have been working quite well compared to government led projects. While government programmes are described as under-funded, overly

bureaucratic and cumbersome, private-sector initiatives are viewed as more flexible and better suited for local specifics (cf. Bernstein 2005). The government is being criticised for ignoring cooperation agreements by private sector organisations (Bosman 2007). This perspective of analysis is strongly focused on a perceived contrariness of private sector and government approaches. What analyses like this widely ignore is the role of land reform *beneficiaries*⁷ as actors within the process or explanations that include the economic and political ideas that influence the process of policy formulation. The implications that land reform policies have with regard to the actual economic and social situation of rural South Africans are lost sight of. Much effort is made to find evidence for well working private sector initiatives, but evidence indicating the reluctance of farmers to support land reform or private sector projects with only marginal positive effects for beneficiaries might remain unmentioned.

Rather one-dimensional analyses are also found within the large corpus of literature that is more critical of the private sector's contributions towards land reform. From this side there is widespread criticism of the government's focus on commercial agriculture. The allegation is that this narrow orientation of the governmental programmes in combination with too little resources directed to land reform are "*a major limiting factor*" (Manona 2005: v) for reaching the programme's targets. Other critics also take these two factors into account while primarily aiming at the market-based redistribution mechanism as the most important factor obstructing the allocation of land. The willing seller willing buyer approach⁸ in combination with rising land prices, low budgets and the inertia of the market is viewed to be the most crucial issue that has to be addressed (cf. among others: Dithlake 1998; Mapadimeng 2003). Critique from this perspective also tends to ignore the role of beneficiaries within the process and looks at the policies rather than the process of implementation to explain the failure of the redistribution programme.

Those analyses that provide overly complex explanations usually try to deal with the fact that the policies of land reform and the ways of implementation are shaped by a

⁷ The term *beneficiary* is used in the scientific literature as well as in the official bureaucratic language to describe people that participate in land reform projects. It often does not differentiate between people who only apply for land reform programmes and those who actually participate successfully. In this thesis it will be used in the same way and synonymous with the term *applicant*.

⁸ I will come back to this issue in chapter 5

great number of factors and frequently attempt to take an impartial position. This is not the place to introduce the various well-informed but extremely complex analyses, I can only refer to some work worth reading (Hall 2009; Hall/Ntsebeza 2007; ICG 2004; Khan 2007; Lahiff 2008).

Lahiff (2008) gives an overview on the land reform process since 1994 and touches all the issues mentioned above from critics closer to the beneficiaries' perspective as well as those representing positions of South African organized agriculture. He is critical of the willing seller willing buyer model as well as of bureaucratic procedures and the influence of (agricultural) lobby groups and a commercial focus of the programme. He also acknowledges the need for a better representation of land reform beneficiaries in the process and deficiencies of state agencies on the local level. But the analyses remains on the surface and does not provide seizable hypotheses that can be used to make concrete assertions on the mechanisms that eventually produce the poor outcomes of the land reform programme.

The ICG (2004) provides an even more capacious report including a comparison with neighbouring Zimbabwe, but again the analyses remains rather indistinct, trying to cover all the issues without clear weighting. Ruth Hall (2009) explicates that in her opinion a comprehensive concept of agrarian reform is needed to make land reform a success⁹. The concept of agrarian reform adds a whole new level to the issue of land reform. The complexity of the analysis leaves the reader with as many questions as answers.

The Land Question in South Africa edited by Ruth Hall and Lungisile Ntsebeza (2007) tries an all embracing examination of the land issue with a focus on land reform and provides a discussion on different concepts of rural transformation as well as on theoretical perspectives on land reform. The chapter by Van den Brink et al attempts to filter the *practical lessons* (Van den Brink et al. 2007: 193) out of the various discussions on land reform. The mechanisms of the land market are discussed and the need for a stronger focus on smallholder farmers, also the

⁹ In brief, the concept of agrarian reform sees land reform as only one component of a comprehensive and sustainable reform in the agrarian sector that includes changes in the system of land holding (e.g. sub-division of land), production (e.g. smallholder, agro-ecological farming) and the relationships between farmers and retailers (e.g. supermarkets). For more information on agrarian reform see: Cousins (2007) Khan (2007) Interview with Ricardo Jacobs (2011).

bureaucracy of land reform procedures and the influence of lobby groups. Van den Brink et al provide some policy recommendations in their conclusion. These recommendations aim at a policy framework that provides “(...) *a menu of options to be pursued* (...)” instead of inflexible procedures dominated by bureaucratic confinements. Some of these recommendations seem on point while others remain indistinct and eventually the reader is again left with an excess supply of information.

Within the diverse literature on land reform one conclusion is prevailing which is, that the budget for land reform has been too small (e.g. CDE 2008; Hall 2007; Lahiff 2008). Another issue both, overly complex and rather one-sided analyses, have in common is, that most of them focus largely on the content of policies and the government as the single most important actor with regard to the implementation of policies (some also taking into account the farmers as willing sellers) but only very few researchers include non-governmental organisations (NGOs) or the beneficiaries of land reform in their research as (possibly) important actors with the means to change the course of the land reform process. It remains to be seen if this might not be a serious shortcoming within the literature.

1.4 Relevance of the Research

The relevance of my research lies on two levels. First, the assumption is that dealing with the land question will have significant influence on the future development of South Africa. Not only as a way to achieve justice and reconciliation after Apartheid but also regarding the country's massive problem with social inequality and a steadily widening gap between the rich and the poor. For decades South Africa has been one of the countries with the highest Gini - coefficient worldwide. In 2010 it scored 0,65 which meant the country “*shared with Brazil the leading position in terms of unequal distribution of income*” (Böhler 2010). Repeated massive eruptions of violence in connection with land invasions in neighbouring Zimbabwe since the year 2000 started a debate in South Africa if the country was steering in the same direction. To some people the question is not *if* it will happen but when.¹⁰ At least as long as the issue of land reform is not resolved, it will be a matter of scientific interest. As Sam

¹⁰ COSATU General Secretary Zwelinzima Vavi predicted that should the land reform not be successful by 2014 the country would experience land invasions and violence just like Zimbabwe. Greenberg (2010a)

Moyo writes „(...) *the land question is not only an agrarian issue but also a critical social question.*“ (Moyo 2007). And James Gibson notes on the same issue: “*How South Africa deals with the injustice of historical land practices will have much to do with the success of the country’s attempt at consolidating its nascent democracy*” (Gibson 2009: 1). It is worthwhile to conduct research on a topic that bears the potential of being fuel for social conflict, as long as said research contributes new insights on the underlying problem.

Second, the lack of coherent and complexity reduced explanations for the poor progress of land redistribution requires new perspectives. The approach I am going to apply in this thesis has not been used for research on the South African land reform so far and promises new insights that other approaches were unable to deliver. The objective is to find coherent explanations for this policy problem by looking at the institutional structures that constitute the framework of the South African land reform and how this institutional framework has influenced the actors that shaped and implemented the land reform policies¹¹. Through this it is possible to pay equal attention to actors and structures. The neglect of beneficiaries and non-governmental organisations as actors and possibly important factors in the redistribution process can be countervailed.

My perspective as a non-South African could be seen as an obstacle for understanding what is “really” going on. I believe though, that by using the right tools, someone from the outside could provide the kind of new angle on the problem that is needed to find a way towards a better working land reform programme.

There is an estimated failure rate of about 50 – 70 percent of all land reform projects (among others: ICG 2004; The Economist 2009). Would the process continue at the average pace it was pursued at over the past 17 years, it would approximately take another 80 years to redistribute the targeted 30 percent of agricultural land. My thesis will help to identify key factors that lead to this situation.

¹¹ The terms institution and institutional framework in the context of this study mean formal rules as well as social norms that shape the actions and interactions of individuals and collective or corporate actors. I will further elaborate on this point in coming chapters. With regard to this also see: Scharpf (1997)

2. Actor-Centered Institutionalism

The framework of actor-centered institutionalism was originally formulated by Fritz Scharpf and Renate Mayntz (Mayntz/Scharpf 1995). Mayntz and Scharpf assume that social phenomena are the outcome of interactions between different and intentionally acting actors whose interactions are structured by the institutional setting within which they occur. This assumption is not novel in social sciences. But in many instances researchers do not explicate this underlying assumption. The framework of actor-centered institutionalism places an emphasis on the need to explicate this assumption and to reflect upon its implications. The original framework is rather general in nature (Scharpf 1997). In 1997 Fritz Scharpf published a book called “Games Real Actors Play” based upon his work with Renate Mayntz. The book is “*of a more game theoretical nature than is necessarily implied by the more general framework*” (Scharpf 1997: 1). I will rely on actor-centred institutionalism as a guideline for my research or *research-heuristic* and use some of the tools suggested by Scharpf in “Games Real Actor Play” for the analysis of my findings. This selective access to the concept does not contradict the general intentions of Mayntz and Scharpf but it requires comprehensive empirical foundations (cf. Jakobi 2007).

When conducting an empirical study one faces the problem that looking at social phenomena usually produces a large number of possibly influential variables. To reduce the number of factors of influence one can look at specific cases and try to control for certain variables. This approach comes at the cost of omitted variables that do not appear in the studied cases. Also, according to various authors, case studies tend to put a lot of emphasis on historically contingent sequences of events while at the same time they might neglect structural explanations (cf. Greenberg 2010a; Scharpf 1997; Van Lieshout 2007). The concept of *actor-centered institutionalism* can help to limit these problems by forcing the researcher to look beyond the specifics of a case. It provides tools that enable the researcher to systematically compare cases and generate hypotheses that aim to explain how and why a given constellation of factors produces a certain outcome. Hypothetical assumptions based on the logic of game-theoretical explanations are combined with empirical evidence that supports the inferences and increases the probability that the predicted effect is in fact being produced (cf. Van Lieshout 2007). Actor-centered

institutionalism has been especially developed to be used in “*comparative studies of complex policy interactions*” (Scharpf 1997: 303). The focus of the approach lies on developing strong hypotheses that again can be the basis for further research.

The basic idea of the concept¹² is that actors and structures mutually influence each other and “*that the solutions (...) to a given policy problem must be produced by the interdependent choices of a plurality of policy actors with specific capabilities and with specific perceptions regarding the outcomes that could be obtained*” (Scharpf 1997: 69). All of the involved actors are influenced by the institutional setting they manoeuvre in and all the actors have “*their own interpretations of the phenomena they observe*” (Scharpf 1997: 40). This means, if we want to explain how a certain policy outcome is produced, it is necessary to look at the actors involved in shaping the policy, their strategic options and individual preferences as well as at the institutional setting that constitutes the framework for the interdependent interactions of the different actors. And we should also try to establish how actors and institutions influence each other. This is based on the assumption that Actors are a *proximate cause* of social phenomena while the institutional context is seen as a *remote cause* (Van Lieshout 2007). Scharpf introduces analytical models that make enable abstractions from reality to a degree that makes it possible to move beyond simply describing actors and structures towards coherent analysis. Below I will introduce the fundamentals and central terms of Scharpf’s concept.

Actors

As said before, if we want to find theoretical explanations for an observed outcome we usually cannot consider all the institutional factors that might have had an effect on all the individual actors involved. Therefore it makes sense to try and find explanations on a rather abstract level and only to decrease the level of abstraction if we do not find plausible explanations on those higher levels of abstraction. As one consequence of this assumption actor-centered institutionalism does not (usually) look at individual actors. To stay on a more abstract level the aim is to look at actor aggregates or *composite actors*. Composite actors must have the capability of

¹² It has to be emphasized that *actor-centered institutionalism* is a concept and not a theory – this means, among other things, that it more often than not relies on empirical data rather than substituting it with theoretical assumptions.

strategic action and are believed to act rational in the sense that they will chose the best possible way of action according to their preferences and their own perceptions. They are capable of reacting in response to risks and opportunities based on accurate perception and adequate information-processing capacities in order to serve their own interests (cf. Van Lieshout 2007). This means, that the term composite actor refers to constellations in which the collective action of the individual members is intentionally directed at achieving a specific common objective (cf. Scharpf 1997).

Scharpf distinguishes between two different kinds of composite actors. On the one hand there are *collective actors* that are “*dependent on and guided by the preferences of their members*” (Scharpf 1997: 54) and on the other hand there are *corporate actors* that are much more independent from the ultimate beneficiaries of their actions and that employ staff to carry out their actions. The preferences of this staff are believed to be widely neutralized by employment contracts (Scharpf 1997; Van Lieshout 2007). Collective actors can be defined by different criteria as for example: the nature of the arrangement between their members, the costs or possibilities of exiting the collective, the methods of coordination between the members, the purpose of forming a collective, the existence or nature of a leadership and the available resources for action. Common types of collective actors are *coalitions, movements, clubs* and *associations* (Scharpf 1997: 55).

Corporate actors on the other hand are typically *top-down* organizations that are controlled by an *owner* or a leadership that either represents the *owner* or the beneficiaries of their action. The staff members of corporate actors are expected to follow rules that are adopted by central decision processes and the hierarchical directives of the leadership. Those actors might assume “*identities, purposes, and capabilities that are autonomous from the interests and preferences of the populations they affect (...)*” (Scharpf 1997: 57). The primary example of the collective actor is the democratic state. Empirically there are not such sharp distinctions between *collective* and *corporate* actors and intermediate forms can be found (Scharpf 1997). The distinctions are necessary though to point towards the fact that composite actors appear in different forms and with different levels of integration

and that the nature of a composite actor must be determined in order to use the concept as a useful unit of analysis¹³.

Actors, individual or collective, are assumed to base their actions on a *perceived reality* that is different for every actor and leads to the assumption of specific *cause and effect* relations. Also, actors do not only follow their objective needs, but also orient themselves according to normative convictions and subjectively defined interests. Scharpf's connection of the concept of rational-behaviour and the idea that individual, socially constructed realities exist and have meaning derives from the awareness that "*the rational-actor paradigm might indeed capture the basic driving force of social interaction*" but at the same time, due to the limitations of human knowledge and rationality, "*human action is based on culturally shaped and socially constructed beliefs about the real world*" (Van Lieshout 2007: 21). In Scharpf's words: actors are shaped by institutions.

Institutions

The concept of Institutions according to Scharpf and as used in the context of this study means: "*systems of rules that structure the course of actions that a set of actors may choose*" (Scharpf 1997: 38). These systems of rules do not only include legal rules that can be sanctioned by courts or other state agencies but also social norms that can be expected to be adhered to by the different actors because non-compliance might be sanctioned "(...) *by loss of reputation, social disapproval, withdrawal of cooperation and rewards, or even ostracism*" (ibid.). Institutions are seen as resulting from the intentional action of actors and therefore can also be changed by those same actors. With regard to this Scharpf emphasises that institutions enable and restrict actors but they do not fully determine their actions or the outcome of interactions between a number actors (Scharpf 1997; Van Lieshout 2007). Also, the institutional setting does not have the status of a theoretically defined set of variables that could be systematized and operationalized to be used as explanatory factors in the research. Rather, the institutional setting describes the

¹³ I will further elaborate on some points when applying the concept in my analysis below. To introduce the concept in all its detail would go beyond the scope of this thesis and not necessarily serve the purpose of my study.

influences on the actors that produce the observed outcome and provides valuable information about the actors and the interactions between them (cf. Scharpf 1997). Institutions also have a strong influence on the strategic options of actors.

Strategies

Strategies in the sense of Scharpf's concept describe the different courses of action that can be chosen by an actor. The availability of a certain strategy often depends on the choices made by other actors. This means that a specific outcome can only be reached if other actors chose to act in a certain, corresponding way. The different actors are conscious of the interdependency of their actions and with regard to this they try to anticipate the other actor's moves "(...) *knowing that they in turn will do the same*" (Scharpf 1997: 10). Strategies also depend on the institutional setting as described above, because institutionalised rules increase or respectively decrease the payoffs associated with the use of particular strategies.

Actor constellations and Modes of Interaction

Scharpf is using game theoretic models and terms for the final analyses of his studies. He introduces the concept of *actor constellations* to compare *real-world* constellations on a very abstract level. Actor constellations describe the actors that are actually involved in policy interactions, their strategies, the perceptions they have of the possible outcomes of their interaction and the degree to which these perceptions are compatible or incompatible with each other (Scharpf 1997). In the definition of the actor-constellation only those actors are included that are directly involved in making choices within the process and that are ultimately involved in direct interaction. The *modes of interaction* between the actors that can occur are various. Scharpf introduces four basic concepts: *unilateral action*, *negotiations*, *voting* and *hierarchy* (Scharpf 1997: 197). Which of these is being applied depends again on the institutional framework, the objectives of the actors and their specific perceptions of the situation, the level of information and their anticipations about the behaviour of the other actors involved.

As mentioned before I will not follow Scharpf in every detail, for I believe that his concept can be used fruitfully even without raising the analytical level to extreme degrees of abstraction. Scharpf himself offers this possibility of using his concept as a framework to structure the research and adapt his approach to one's own needs. He specifically defines his concept as an *approach* instead of a *theory* which, according to Scharpf, has the advantage of using it more flexible, leaving room for context dependent adjustments (Scharpf 1997). Using Scharpf's concept will help to go a good step further than just describing empirical data – the objective must be to analyze the information in a way that coherent, straight and precise hypotheses can be formulated without losing touch to the actual *real-world* phenomenon that is being analysed. It has to be kept in mind though, that an approach that does not narrowly define theoretical boundaries and a methodological framework always bears the danger of lapsing into theoretical and methodological randomness. Theory shows us which questions have to be asked, on the other hand it might only allow us to see certain things while others remain hidden behind it (Trachtenberg 2006). Scharpf's concept will be my guideline through the research process and his approach already provides some theoretical background for my study. Constant reference to the existing literature will help to hedge my inferences and the combination of literature review (including press coverage), information gathered on the ground and comparative case studies serves as a form of methodological triangulation that should at least help to provide a comprehensive picture of my research subject.

3. Research Methods – Case Comparison and Interviews

A “*case study is not a methodological choice, but a choice of object to be studied*” (Stake 1994). A case can be studied in many ways. In this thesis I will do an instrumental and collective study of four cases. Instrumental means that I choose my cases because I believe that understanding them will lead to a better understanding about a larger collection of cases, in this context a large population of land reform projects. The approach I follow can be called *hypotheses-generating*.

A case study itself is an empirical inquiry that investigates a contemporary phenomenon within its real-life context. When applying case study research, multiple sources of evidence can and often should be used (Yin 2009). Case study research

as a qualitative approach can be very useful to explain complex issues, its strengths are said to be its objectivity and the fact that no *a priori* hypotheses are to be tested – the researcher is free to discover any potential factors that could have played a role (De Klerk 2011). On this account, case study research usually operates with a relative theoretical openness. Naturally a certain degree of theoretical comprehension will influence the collection of data and the analysis will usually rely on more or less theoretically framed concepts – but the influence of theory remains much lighter than with other research methods (Wrona 2005). The application of case studies to investigate a certain, spatially and temporally defined case in order to generate context-dependent knowledge seems to be a viable research method if one accepts that “*social science has not succeeded in producing general, context-independent theory*” (Flyvberg 2006).

The methodology of my thesis involves a comparison between cases as well as a comparison of the case study results with knowledge about the broader framework of land reform. As mentioned above, the information for this comes from various sources. Extracting all my information from the literature would have been likely to produce an immense amount of possible independent variables without any empirical foundation to determine the relevance of these variables. A quantitative approach could have helped to tackle this problem. Instead, I will follow a qualitative path based on the considerations made above about the strength of case studies. A qualitative approach seems well suited to develop hypotheses, while most quantitative approaches would have been beyond the scope of this research.

An alternative qualitative approach for case study research could have been e.g. the method of Process Tracing. Process tracing is believed to be a very useful method for policy research (Steinberg 2007). It can be used to develop theory and it may be applied to more than one case, which allows for the development of typologies of paths that lead to a certain outcome. The method requires the researcher to consider alternative paths that could have produced the observed outcome and to observe every single variable with great care. The intensity of studying the single case which the method requires can produce strongly coherent explanations (George/Bennett 2004). But at this point a downside of the method comes into play. Process tracing requires causal explanations with a complete chain of evidence. This means

adequate resources have to be available for the collection of data and a high expenditure of time has to be calculated. Looking at different cases would probably have been impossible in the context of this thesis. Another issue is that the structural context of a case is not extensively being considered. The benefit of using actor-centered institutionalism in combination with cross case analysis is that it is possible to consider single cases and the wider context equally. Not only is it possible to make a comparison between a number of cases but integrating Scharpf's concept requires the researcher to consciously consider the *bigger picture*.

Case Comparison

Cases are selected on the basis of a certain degree of similarity between them, which makes it possible to eliminate some variables from the start. To compare the four cases I am using an approach of *cross-case analysis* in the broadest sense. Cross-case analysis requires at the minimum the construction of meaningful linkages and relationships between the cases while at the same time researchers should attempt to "*preserve the richness and the uniqueness of the case*" (Khan/VanWynsberghe 2008: 10). When looking at several cases there is a necessity to reduce the complexity of the individual case to enable a comparison. This means on the one hand to mind some degree of parsimony when describing the cases, it also means to use analytical tools to examine the different cases that help to describe and categorize the different aspects of each case and then make comparison possible. The danger when comparing several cases is, that the individual complexity of the single case might be lost through complexity reduction. But this risk should be outweighed by the greater objective of the case comparison, the identification of themes across the different cases (cf. Khan/VanWynsberghe 2008).

To make a case comparison expedient it is necessary to have variance on the dependent variable, in this study the success or failure of land redistribution. Therefore I chose two cases with a positive, two with a negative outcome. Data collection is a key factor in doing case study research. In three of the cases I have to rely on fieldwork done by other researchers. I have read their theses thoroughly and checked their sources as far as possible. I discussed their findings with people who

had extensive knowledge on the land reform process, some of whom knew these researchers personally. I checked media reports where possible and compared the cases to others that haven't been included in this study. Nevertheless, my data is not first hand and has been *filtered* through the reports and interviews I used as my sources. This makes it even more necessary to feed back the findings from these case studies to scientific literature on land reform and other sources of information. I believe that using multiple sources of information can produce data with a high degree of validity.

For my interviews I followed an approach of guided, problem-centred but relatively open interview style. There is no clearly defined and distinguished terminology on interview types in the literature and often different terms are used for similar approaches (Heisteringer 2006). My interviews were based on certain anticipations and focused on a specific topic (the land redistribution policies). With regard to the approach of actor-centred institutionalism used as a framework for my study I tried to gather data on the respective composite actor most of my interview partners were representatives of. The interviewees were selected on the basis of literature review through which I identified key actors of the land reform process. On the ground I asked my interview partners to name further actors they regarded as being able to contribute valuable information. I had prepared interview guidelines that always entailed similar questions on the individual I was interviewing, the composite actor and its interests with regard to land reform, the perception of other actors in the arena of land reform and an assessment of the redistribution process¹⁴. At the same time I tried to be able to react to possibly enhancing and unexpected perspectives and twists within the narrative. My interview guidelines were developed on the basis of a paper by Harald Mieg (Mieg 2001). Mieg provides guidelines for conducting expert interviews and for establishing a code of practice for scientific interviews. He explicitly refers to interviews as social interactions with a specific functional context in which both sides interviewer and interviewee have their individual interests.

I will try to abstract and generalize my findings in the sense that I will make inferences that extend beyond the four cases examined here. The benefit of this method is, that the hypotheses that derive from it are based on relatively solid

¹⁴ The interview transcripts can be found in the appendix.

empirical foundations and therefore are likely to target truly existing phenomena. Still there are limits to the degree of validity that can be reached. My cases cover only two of South Africa's nine provinces and results might be quite different in other regions of the country. Again, complementing my findings with information from different sources can counter this to some extent. It needs to be said that the hypotheses resulting from this study remain *hypothetical*. Even though they have some empirical foundation they are also based on a degree of subjective interpretation of facts and probability as is true for all hypotheses regardless how informed they appear to be (cf. Scharpf 1997). Social phenomena are usually produced by a highly complex web of causes "*which are difficult if not impossible to isolate as deterministic*" (Khan/VanWynsberghe 2008: 5). What results from my thesis is at best informed theory with a certain probability of being accurate, not profound knowledge about causalities. This would have to be established in a hypotheses- or theory-testing approach. In principle the idea to generalise from case studies has to be treated with caution and constraints have to be accepted. Generalisations in social sciences should generally be "*indeterminate, relative, and time and context-bound*" and therefore usually are not actual generalisations (Lincoln/Guba 1985: 116). What can be accomplished by studying cases though, is the generalisation of findings as theoretical propositions (Yin 2009).

4. The South African Land Reform Programme

The South African Land reform programme consists of three pillars: Redistribution, Restitution and Land Tenure Reform. The Restitution programme is focused on people who lost their land through forced removals that took place before and during Apartheid. Those people are either financially compensated or the land is being restored to them. The Tenure Reform programme's objective is to improve the tenure security of all South Africans, especially labour tenants. The Redistribution programme "*aims to provide the disadvantaged and the poor with access to land for residential and productive purposes*" (DLA 1997). This pillar consists of further sub-programmes. These are agricultural development, which is aimed to make land available to people for agricultural purposes, a settlement component that aims to provide land for settlement purposes and a component focused on non-agricultural enterprises such as eco-tourism. This study will focus on the land reform

programme's by far largest component the distribution of land for agricultural purposes.

4.1 The Evolution of the South African Land Redistribution Programme

During colonial times and later under the system of Apartheid the possession of land was a crucial factor for the ruling white minority in order to control and subjugate the native black majority of South Africa. The appointment of so called *homelands* under the pretence to enable separate (or "apart") development for the black natives and the white settlers led to a skewed distribution of land. The notorious *Native Land Act* of 1913 restricted black South Africans to 7 percent of the national area. This was later expanded to about 13 percent. Blacks were not allowed to own land individually, even in the homelands. There, the land was administered by tribal authorities appointed by the white government (cf. ICG 2004). At the end of the Apartheid years about 60.000 white farmers were in possession of 87 percent of the arable land in the country (Department of Agriculture Forestry and Fisheries 2008).

To many of those struggling against Apartheid, land was the most visible symbol of the system they were fighting against. For a long time the ANC and other anti-apartheid movements saw nationalisation as the best way to redress the dispossession of land. Joe Slovo, Chairperson of the South African Communist Party and later Minister for Housing under Nelson Mandela said in 1986: "*The redistribution of land is the absolute imperative of our conditions, the fundamental national demand. It will have to be done, even if it involves some economic cost in order to continue to mobilise the people whose support has brought the democratic forces to power.*" (ICG 2004: 139).

But by 1992 the ANC abandoned the idea of massive land nationalisation, supposedly because of concerns about the possible reactions by the business community, white commercial farmers, foreign investors and governments. Also, to some extent the decision of abandoning the idea of expropriation and nationalisation might have been influenced by the experiences many of the returning exiles had had with the nationalisation of land in Mozambique and the Soviet Union (ICG 2004). Instead of following a socialist approach the new government decided on a liberal

programme based on the marked based mechanism of *willing seller willing buyer* that was also favoured by the World Bank¹⁵.

The first step and a highly symbolic matter was the restitution of land to those who had lost their soil under the apartheid laws. When the new government of national unity came to power in 1994 the *Restitution of Land Rights Act* was the first law adopted under the presidency of Nelson Mandela (cf. Von Soest/Cherolet 2006). The new South African constitution of 1996 then established “*access to land on equitable basis*” as a basic right of all South African citizens (RSA 1996a). A year later, in it’s White Paper on Land Reform of 1997, the government committed itself to the target of redistributing 30 percent of the arable land through a land reform programme in order to fight “*the injustices of racially-based land dispossession of the past*” (DLA 1997) as it had already announced in the comprehensive Reconstruction and Development Programme (RDP) of 1994 (RSA 1994).

Since then the land reform programme has received a lot of attention by the media and in academic circles. It has undergone many changes and attracted a lot of criticism. Many different mechanisms have been introduced, revised and abandoned. In order to find a coherent explanation for why the land reform programme is a failure in many people’s eyes and why the redistribution programme has not nearly achieved it’s targets it is essential to look at the key developments over time and the basic assumptions underlying the programme.

4.2 World Bank Influence and the Introduction of SLAG

When the former anti-apartheid fighters came to power in the government of national unity the men and women who were now leading the Republic of South Africa had been labelled terrorists only a few years back by the same people they were now working with. Many of those holding government positions after 1994 had been in exile for years, even decades and were now supposed to lead an industrialised middle-income country with more than 40 million inhabitants. These men and women needed time and support to find their way back into the society they had been

¹⁵ I will come back to the willing seller – willing buyer model further below. The basic concept of the model seems self-explanatory.

forcefully cut off from for a long time and to administrate the tasks the end of Apartheid had assigned them with (cf. Sparks 1994).

To develop the land reform programme, the government sought the help of various institutions and individual experts. The most prominent institution influencing the shape of the new programme was the World Bank (Von Soest 2002). The World Bank's stance on nationalisation of land or other forms of massive state interventions was clear: "*The World Bank and other international 'experts' wedded to a 'market led' land reform*" (Cliffe 2000: 276). From the beginning of the 1990s on World Bank experts issued documents on the matter and met with ANC members and government officials discussing the topic of land reform (Von Soest 2002). The target of redistributing 30 percent of the land within five years was also an idea launched by the World Bank. To achieve this target a combination of liberalising the agricultural sector and promoting small and middle-sized farms was envisaged. The focal point of the World Bank's suggestions was the strengthening of agricultural productivity (ibid.) while at the same time stabilising the new government and avoiding peasant insurrections (Cliffe 2000). The authors of the World Bank's recommendations for the land reform programme were clear about their opinion on the expropriation of farmers by the state. Taking away land with or even without compensation was not an option. The whole process of redistribution should be a transaction between the farmers as willing sellers of their land and *historically disadvantaged people*, so the official terminus, as willing buyers who were provided with a grant by the state¹⁶.

By and large the ANC and other decision makers followed the advise of the international experts and especially the World Bank¹⁷. Edward Lahiff describes the South African land reform programme as a "*text book example*" of World Bank inspired land reform (Lahiff 2003: 49). The various mechanisms of the land redistribution programme in the years after 1994 were based on a system of grants distributed to individuals or groups who could then acquire land via the market. The willing seller willing buyer model has always remained the core of the land redistribution programme.

¹⁶ For more details see among others Lahiff (2008) The different mechanisms are described below.

¹⁷ For an overview on the suggestions made by the World Bank see among others: Deininger (1999a) And: Deininger (1999b)

The first mechanism that was introduced and through which people who did not qualify for the restitution programme could get state funding to acquire land was the Settlement/Land Acquisition Grant (SLAG). SLAG was a grant mechanism specifically targeting poor people. Money was only awarded to people whose household income did not exceed 1500 Rand per month. Those qualifying received a grant of 16.000 Rand¹⁸. Usually, this amount was not sufficient to buy land and provide capital to start a successful farming business. Also, only few of the recipients were able to acquire additional bank loans. This meant that many of the *beneficiaries* had to form groups to pool their money and farm communally.

The whole approach required a lot of initiative from of the applicants. They had to identify land that could be bought and were usually expected to establish some first contacts with the potential seller. Then a business plan had to be drawn up which would be the basis for the decision on whether to provide the grant or not. One of the problems with the mechanism was, that post-settlement support was very poor in many areas (cf. Cliffe 2000; Lahiff et al. 2008) and also, that farming in large groups in which more often than not individuals had only loose attachments with each other brought a lot of organisational problems with it. Some experts are convinced that farming in large groups (with S/LAG, groups often consisted of a hundred and more people) is nearly impossible and bound to fail especially if the process is not supervised and assisted by external advisors (cf. Interview with Ben Cousins ; Interview with Karin Kleinbooi). The SLAG programme ran until the year 2001 and was then gradually displaced by the *Land Redistribution for Agricultural Development Programme* (LRAD).

4.3 LRAD – A Shift Towards Commercial Agriculture

LRAD shifted the focus of the redistribution programme significantly. Even though it was still directed at the poor, grants were now accessible regardless of the applicant's income. Also, the LRAD mechanism required financial contributions by the applicants (Department of Agriculture 2001). These contributions could also be provided in form of labour input or goods brought into the business, but only up to an amount of 5000 Rand, the minimum amount required to receive a grant. Those who

¹⁸ Ten years ago this was round about 2.300 € according to the historical currency rates on finanzen.net (2011)

were able to contribute the 5000 Rand in one way or another qualified to receive a grant of 20.000 Rand if their application was approved. The more money applicants were able to contribute to their project, the more money they could receive: A contribution by the applicant of 400.000 Rand would be supplemented from the government with a 100.000 Rand non-refundable loan. People who receive grants through LRAD are then eligible for loans by the Land Bank. These loans can pose a problem when farming businesses start off slower than expected. In more than a few cases the debt owed to the Land Bank has played a significant role in the failure of a project (cf. Grinde 2008).

From very early on the dominating discourse on land reform pretended that a decision would have to be taken between land for the rural poor and black economic empowerment, ignoring that both are not mutually exclusive (ICG 2004). The LRAD programme was regarded as a shift of focus away from the poor and landless towards black economic empowerment for more affluent, commercially oriented farmers (cf. Mapadimeng 2003). The LRAD programme focused explicitly on people who were able and willing to farm full-time and had a focus on commercial agriculture even though the statutes of the programme recognise that subsistence farming is a valid claim by applicants and the programme officially supports this objective under certain circumstances. But the focus on commercially oriented farmers is clear (cf. Cousins 2002). Strategic partnerships for farming purposes were promoted and the grant money could also be used to buy capital assets in order to develop land or to buy equity in existing farm enterprises (DLA 2001). Similar to S/LAG, a business plan that had to be drawn up by applicants as part of their application and served as one of the main criteria for grant approval.

The shift towards a more commercial orientation of the redistribution programme was also felt by government officials *on the ground* who did not only start to advise applicants of LRAD to draft more commercially oriented business plans but also started to turn the existing S/LAG projects in a more business-like direction (Lahiff et al. 2008). But still, smallholder agriculture and targeting the poor remain principles that are prominent in the concept documents and it seems up to the officials who implement the programmes to find a balance between subsistence farming and commercial focusing.

One restraint that both grant mechanisms had in common is the fact that the South African law makes the sub-division of land very complicated.¹⁹ This means, the more expensive the land, the more applicants needed to pool their money to acquire land.

4.4 Slow Progress and the Introduction of PLAS

In the early 2000s many South Africans followed the developments in neighbouring Zimbabwe with great concern²⁰. The slow progress of land redistribution and the high numbers of unemployment and poverty made people fear that violence might spread in the country as well. Rising numbers of farm occupations and attacks on farmers were expected. But for the most part these things did not happen. Instead, a broad grass roots movement formed, demanding land for the poor and a change in government policies on land reform, the Landless People's Movement (LPM). A renunciation of the willing seller willing buyer model was prominent among the LPM's various demands (Greenberg 2010a). In 2005 a National Land Summit was held that was attended by prominent members of the government and all political parties. Various policy initiatives followed the summit and intensified the pressure on the government. The "*most important policy change*" (Lahiff 2008: 21) that came from this process of policy review might have been the introduction of the Proactive Land Acquisition Strategy (PLAS).

PLAS is a state driven approach that differs from LRAD as a *beneficiary driven* approach in the way that now the state buys land where available and then looks for suitable beneficiaries instead of letting applicants themselves identify land they wish to acquire. Under PLAS beneficiaries are not necessarily becoming the owners of the land but "*beneficiaries are expected to lease with an option to purchase*" (DLA 2006). PLAS claims to be a needs-based as well as a supply-led approach but "*is in fact*

¹⁹ Under Apartheid the subdivision of land was prevented by law as defined in the *Subdivision of Agricultural Land Act 1970*. The act was repealed in 1997 cf. RSA (1997) But apparently there have been difficulties for this Act to come into operation and there has "*been a reluctance to entertain the notion of subdivision*" RSA (2006)

²⁰ In the year 2000 the Zimbabwean government launched a fast track land reform programme. Hundreds of farms owned by white farmers were occupied and international donors put their aid to the country on hold. Along with the farm occupations came massive violence not only against white farmers but also against members of the opposition party Movement for Democratic change (MDC). International negotiations failed and in 2003 Zimbabwe withdrew from the Commonwealth of Nations ICG (2004).

almost entirely supply-led" (Lahiff 2008: 21). Also, it is claimed that PLAS is more of a pro-poor approach than LRAD but according to Edward Lahiff there are no clearly identifiable mechanisms to ensure that it will fulfil to this claim (ibid.).

Since PLAS was put into operation, large amounts of land have been purchased by the government, but it seems that so far only marginal amounts of it have been redistributed (Interview with Karin Kleinbooi 2011). There is not much data to determine how this new approach will influence the progress of land redistribution but so far the impact does not seem significant.

In the wake of the 2005 Land Summit the Landless People's Movement fell apart due to internal struggles and with it, a strong and at least relatively concerted voice promoting a land reform benefitting the poorest of the South African population lost its strength (cf. Greenberg 2010a).

4.5 The LARP Programme

At around the same time that PLAS was introduced the Land and Agrarian Reform Project (LARP) was drawn up and then introduced a year later. While the PLAS programme suggested, at least in reading, an emphasis on strengthening the poor, LARP more openly promoted further orientation towards capital intensive and skills requiring agriculture. Even though targeting the poor, especially farm dwellers, is mentioned in the programme's strategy document, its other goals show a clear focus on commercial, skill requiring agriculture. Among others, LARP has the following objectives:

1. To increase the number of black entrepreneurs in agribusiness by 10 percent
 2. To increase agricultural production by 10 – 15 percent for the target groups
 3. To increase agricultural trade by 10 – 15 percent for the target groups
- (Department of Agriculture Forestry and Fisheries 2008).

Some experts believe that the programme will, in accordance with these targets, benefit *better-off* entrepreneurs rather than the very poor (Lahiff 2008). Lahiff writes, that to him it remains unclear whether LARP is meant to replace the other

programmes or to complement them (ibid.). According to the Western Cape's Director of the Department for Rural Development and Land Reform²¹, PLAS is the programme that is being focused on at the moment. During none of my interviews was LARP explicitly mentioned and it seems to me that at least some of the points mentioned in the strategy document are to be understood as guidelines for the existing programmes. There are some rather new aspects like creating agricultural villages mentioned in the strategy document and these seem to be on the agenda of the Department for Rural Development and Land Reform (Interview with Barry Levinrad 2011) but the range and impact of these concepts appear to be limited so far, especially since the money for LARP seems to come from the general budget for land redistribution, because the programme has no budget on its own (Lahiff 2008). What the introduction of LARP shows is that government officials are conscious of problems within the state's bureaucratic structures, this is indicated for example by the emphasis on subsidiarity in the LARP concept document (Department of Agriculture Forestry and Fisheries 2008) and also suggested by Hebinck and Shackleton (Hebinck/Shackleton 2011).

Looking at all these different policies already provides some information about the institutional context of land reform and gives an idea about the direction the driving forces tried to push the programme. But the policies constitute only one part of the institutional framework.

4.6 The Negotiated Land Reform

According to Scharpf the institutional setting of a policy is more than the sum of the judicial guidelines surrounding it or the directives for the state agencies that work on it. This chapter will look at the actors that influence land reform policies and the underlying principles of these policies.

²¹ In 2009 the Department of Land Affairs (DLA) became the Department of Rural Development and Land Reform (DRDLR). This was meant „...to ensure that land reform, through redistribution and restitution, is more coherently linked to the creation of livelihoods for the poor“ RSA (2009) The DLA had also been working closely with the Land Bank. This working relationship lies now with the Department for Agriculture and Land Affairs while the DRDLR has no direct relation with the Land Bank.

An important aspect that has to be kept in mind when analyzing the land reform process is the nature of the transition that took place in South Africa. The end of Apartheid did not come in the wake of a violent insurrection but as the result of long and intensive negotiations in form of a *negotiated settlement* (Bell 2003). Even before ANC, PAC and SACP were unbanned there had been talks between the Afrikaner government and anti-Apartheid activists like Joe Slovo, Nelson Mandela or today's acting president Jacob Zuma (Mattes 2007; Sparks 1994). Instead of *Socialism* and *Nationalisation*, *Democracy* and *Market* were the two prominent terms that shaped the negotiation process of the peaceful transition (Saul 2005). And while many South Africans were expecting radical change and massive redistribution of land and wealth, restrictive budgetary policies and privatisation characterized the new government's political orientation (McKinley 2010).

Business people were among the first to establish contacts with the banned ANC (Guelke 2005). Under Apartheid, many industries had benefitted from the cheap labour that the system provided. Prominent among these industries were the mining sector and the agricultural sector of the South African economy (ibid.). These industries might have feared the end of Apartheid more than others. But one fear was common throughout the national economy and that was the expectation that the ANC, once in power, would interfere significantly with the economy in order to right the wrongs of the past and economically empower black South Africans. As soon as prominent members of the South African business community were convinced that majority rule could not be avoided they sought to contact the exiled anti-Apartheid activists in order to find out what their ideas for the South African economy were, should they come to power (Sparks 1994). At a time when the ANC leaders were still wanted terrorists, white business leaders broke "*new ground by flying to Lusaka for meetings with the ANC*" (Sparks 1994: 75). At the same time the government was also involved in secret negotiations with *the enemy* and when the official process of negotiations started, many of the key actors were already quite familiar with each other (Sparks 1994). These early negotiations, and the government of national unity that eventually followed, ensured that the old elites were not excluded from the decisions that shaped the South Africa of today. This constellation of negotiations between former antagonists is the starting point of the institutional framework under which the South African land reform programme was shaped.

The latter days of Apartheid had hit the country's economy hard. Now that the international sanctions on the country were about to be lifted, one of the national imperatives was economic growth and "...*growth as a desired goal unites the antagonists in less industrialised states, such as South Africa.*" (Adam et al. 1998: 142). For the ANC and other anti-Apartheid parties the situation was not only new, but to some it probably felt like a dilemma. While on the one hand the objective was to correct the imbalances created in the past and to provide access for the majority of the people to all social institutions and the economy, at the same time the government felt it needed to address widespread fears within the business community that there would be high inflation and economic decline due to populist government policies of redistribution and state intervention (Mattes 2007). To achieve economic growth they needed the cooperation and the know-how of the old elites and they had to listen to the conservative National Party (NP) they shared power with in the government of national unity. Even though the new rulers surely had some progressive ideas in mind about the policies that would shape the *new South Africa*, at least some of these had to be abandoned due to the forces of the international markets and in order to come to terms within the coalition. After the NP left the government of national unity the ANC and its alliance partners proved that they were able to make conservative politics on their own (Adam et al. 1998).

The priorities of economic growth were manifested in the Reconstruction and Development Programme (RDP) of 1994 and concretised in the Growth Employment And Redistribution programme (GEAR) of 1996. The GEAR document points into a very market liberal direction (RSA 1996b). In the eyes of critics from the left it is an example for the mindset of the new South African government (Adam et al. 1998). At the same time, rhetorically the ANC is still a left wing party claiming to represent the "*poorest of the poor*" (Adam et al. 1998: 157), just like its alliance partners the South African Communist Party and the Congress of South African Trade Unions (COSATU) (Adam et al. 1998). But while the strong left rhetoric is there, many policies represent an economically liberal and rather conservative style of governance as the review of the land redistribution policies has shown. There certainly are efforts being made to reallocate capital and power within the country but these seem, at least in some instances, to be subordinated to the imperatives of an

export oriented growth strategy (Greenberg 2010a). This again is at least partly due to the influence of the business community.

5. Shaping the Institutional Framework of Land Reform: Agri Business

South Africa's farming sector has been dominated by large-scale commercial farming since the early 20th century when the government started the process of racial segregation and awarded major parts of the arable land to the white minority while restricting blacks to specific areas. This process was accompanied by heavy subsidizing of the farming sector that continued throughout the better part of the century. A major role in securing financial support for the farming industry was played by the different farmer's organisations that emerged with the start of these government policies (Aihoon et al. 2009).

One of the largest and most influential organisations of the commercial farming industry in the country is Agri SA. The organisation is involved in all aspects of agricultural trade. There are other organisations representing commercial farmers like the Transvaal Agricultural Union of South Africa (TAU) or the National African Farmers Union (NAFU) but Agri SA is widely recognised to be the most influential organisation on the national level and I will focus on this organisation to establish organised agricultural business's position with regard to land reform²².

Agri SA is organised nationwide and represented in each of the nine provinces by a provincial affiliate. It has affiliations on the district level and *"through those organisations on the ground the individual farmers are also indirectly members of Agri SA"* (Interview with Annelize Crosby 2011). This means that even though individual farmers are not members of the organisation, as the national body *"ultimately Agri SA represents the interests of commercial farmers"* (High Court of South Africa 2011). According to Annelize Crosby, parliamentary liaison for Agri SA, the organisation is involved with the land reform issue *"mainly on the policy level"* (Interview with Annelize Crosby 2011). This involvement happens in various ways.

²² The scope of this thesis does not allow for taking every single actor into account. As Scharpf writes it is necessary to take into account those actors that have a direct influence on the policy process (Scharpf 1997) and I can say that to my knowledge on the national level as well as in the Western and Northern Cape where I did my micro-level research Agri SA is by far the most influential agricultural organisation.

The organisation regularly issues media statements and comments on legislation related to the agricultural sector and its members publish comments and analyses in form of articles in scientific publications. Agri SA seeks direct contact to parliamentarians via parliamentary liaisons like Mrs. Crosby or organises conferences on policy issues that are well attended by government officials, members of the organisation and the media (Johnson 2011).

The purpose of the organisation is to protect the interests of commercial farmers. To this end Agri SA not only comments on existing legislation or tries to influence the policy making process, but the organisation also attempts to put issues on the agenda that it feels are being neglected by the government²³. Even though the organisation feels that its possibilities of agenda setting have been impaired it is still obvious that their voice is being heard. *“As far as land is concerned particularly I would say Agri SA does play quite a significant role”* (Interview with Annelize Crosby 2011). With regard to land reform Agri SA has *“long accepted that land reform must take place”* (ibid.). Commercial farmers feel that there will never be true stability if no meaningful land reform happens. But there are concerns about repeated calls for expropriations by the ANC Youth League and COSATU. The organisation and understandably most of its members are opposed to this possible direction of land reform. At the same time Agri SA is very critical about the developments within land reform and has more than once stated the opinion that the vast majority of restitution projects have been a failure (De Jager 2008). Its representatives are convinced that the private sector should be given much more responsibility and most of all much more freedom to realize land reform according to its own estimation. In October 2011 the organisation's president Johannes Möller demanded from the government to *“give the private sector the necessary space and financial support to demonstrate what can be done in this regard”* (News24 2011).

Two other issues Agri SA is concerned about regarding the implementation of land reform are the slow progress of land transactions and the rather poor co-operation with government officials. Apparently it often takes a long time to finalize a land sale

²³ Apparently this has not been working as well recently as is used to. One issue that, according to Annelize Crosby, the government should concern itself with is e.g. the fact that commercial farmers receive very little government subsidies while they have to compete with farmers overseas that are receiving significantly more subsidies. The issue did not rank highly on the government's agenda at the time of research.

if the government is the buyer. Agri SA attests a general clumsiness to the bureaucratic processes of land reform that has also been criticized by other institutions (cf. CDE 2008). This slowness seems to have been a reason for farmers to step back from selling their land in the past. This impression is reinforced by statements from NGOs working with the applicants for land reform land (cf. Interview with Herschelle Milford 2011). Bureaucratic procedures seem to be a general cause for concern. According to Mrs. Crosby the government officials responsible for implementing land reform “*have not done a very good job in implementing it*” (Interview with Annelize Crosby 2011) which might either be due to lack of commitment or lack of competency in the face of a complex policy framework. Also, the policies on land redistribution are not regarded as having been coherent over time. As mentioned above, Agri SA is advertising a much stronger focus on public-private partnerships to implement land reform. From their perspective the government has not fully appreciated commercial farmers’ efforts to support the land reform programme (ibid.)

One way to implement land reform that Agri SA has been very much in favour of is the tool of *share equity schemes*. Especially in the Western Cape province this tool has been widely applied under the LRAD mechanism. Through these *share equity schemes* farm workers were able to use their LRAD grants in order to buy shares of the farm businesses they were working for. The opinions on the success of this mechanism vary significantly. While Agri SA still seems to be convinced that share equity schemes are benefitting both the farm workers and the farmer (Interview with Annelize Crosby 2011) others like Karin Kleinbooi, researcher at the University of the Western Cape (UWC), have a much different opinion. According to Ms. Kleinbooi the share equity programme benefitted mostly the farm owners. Apparently, the money was often used to financially support struggling farms while the share holders received little to no benefits (Interview with Karin Kleinbooi 2011). Fatima Shabodien, director of the NGO *Women on Farms Project* (WFP), has the same impression. Her organisation is working with three different groups of people in the Stellenbosch area in the Western Cape where people are shareholders in farm enterprises. According to her, in only one of these cases did the shareholders receive revenue from their investment and even then only a marginal amount after a period of seven years (Interview with Fatima Shabodien 2011). From the government’s side there has been

a moratorium on share equity schemes and the mechanism does not appear to be seen as a valuable tool for future approaches to land reform (Interview with Barry Levinrad 2011). What the discussion around the share equity approach shows is how Agri SA strives to achieve the most beneficial way of implementing land reform from a commercial farmer's perspective even if the benefit for the actual target groups of land redistribution is only marginal.

In addition to the interest of commercial farmers in benefitting from land reform transactions via *share equity schemes* there seems to be another factor that makes farmers reluctant to sell their land for land reform purposes. There is widespread concern that land reform projects will fail through "*poor planning, poor execution, poor service delivery and poor management in the DLA*" and the transferred land might be wasted and lost for agricultural purposes (De Jager 2008: 4). In an article for the Konrad-Adenauer Stiftung (KAS) Theo De Jager, vice-president of Agri SA, suggested that regional government agencies are unwilling to take into account any of Agri SA's concerns about the implementation of land reform while at the same time there are regular consultations on the national level. Without this neglect of the commercial farming industry on the level of implementation and the incapability of government officials there would be "*less reason to fear famine and rural economic decline*" (De Jager 2008: 4). De Jager insinuates, that commercial farmers, even though willing to support land reform, should be reluctant to participate in land transactions for reasons of food security and the well being of the national agricultural sector. His article spells out the common perception among white commercial farmers, that land that is being redistributed for land reform purposes is being underutilized and often mismanaged.

In recent years South African farmers have repeatedly received offers to access land for farming all over the African continent, in Mozambique, Congo, Lybia and many other countries (Fred Pearce in: Mail&Guardian 2011). The organisation has repeatedly tried to use this development to put the government under pressure. The argument was that many farmers might leave the country for good if they feel land reform policies are too aggressive. It appears though, that most of the farmers who start enterprises abroad use this as an opportunity of expanding their business and keep their farms in South Africa (cf. Fred Pearce in: Mail&Guardian 2011; Interview

with Karin Kleinbooi 2011). Still, the threat of a farmers' exodus and a resulting food crisis is a reminder of the power that the organized commercial farming community holds.

Strong national actors like Agri SA represent commercial farmers' interests while many (especially poor) people striving to profit from land reform are not organised in any comparable way. Their interests are usually voiced by political parties that have a much broader clientele or by small non-governmental organisations and local communal leaders.

5.1 The Beneficiaries' Perspective

Land reform is a political topic that regularly appears and then abates again. The ANC's coalition partners, the SACP and COSATU have been repeatedly putting pressure on their big coalition partner and rhetorically supported the cause of landless people. At times this support appears to be influenced by political opportunism. After the Landless People's Movement (LPM) emerged, both parties were quick to issue media statements "*calling for the speedier and more effective implementation of the official land reform programme*" (Ranchod 2007: 19). In recent years the SACP and COSATU repeatedly voiced their concern about the direction of land reform and the slow progress of the redistribution programme (Greenberg 2010a). More radical is the approach by the ANC Youth League, that repeatedly used the issue to spark racial resentments and expand their influence on the government's policies by applying pressure through strongly worded resolutions and media statements (MManaledi Mataboge and Matum Letsoalo in: Mail&Guardian 2011).

"The wealth must be transferred to all the people, the banks and mines should be nationalised. Land redistribution should be speeded up otherwise we will have no alternative to take over the land without compensation" Julius Malema, President of the ANC Youth League (Bongani Mthembu and Molaole Monthso in: Mail&Guardian 2011).

Organisations like the ANC Youth League, COSATU and the SACP do certainly influence land reform policies. In the long run, the ANC Youth League might even become an alliance partner for landless people and their supporters especially if the debate around land reform heats up (cf. Interview with Ben Cousins 2011). But at the moment these actors cannot be seen as real representatives of the landless' cause on the national level. They might bring the situation of the landless and the poor back on the agenda every now and then but their connection with this clientele is only marginal. By and large there seems to be agreement on the current land reform policies within the government (cf. Interview with Ricardo Jacobs 2011).

When, with the LPM the only relatively strong, nationwide association concerned with the issue of land for the poor faded into oblivion, the landless of South Africa were more or less cut off from direct influence on the national political elites (Greenberg 2010a)²⁴. *"There remains no significant national political organisation/movement/network of those who want land to farm"* (Bernstein 2011). Instead, non-governmental organisations operating on the local and provincial level can be viewed as speaking on behalf of many of those looking for land. Some of these organisations, even though operating mostly on the meso- and micro-level, get their views through to decision makers on the national level. And even though their resources in terms of finances and personnel are much smaller than those of Agri SA some of them are well recognized as influential actors with regard to land reform: *"Organisations like SPP, the land NGOs in the provinces, also Women on Farms, (they) are very vocal in these issues"* (Interview with Annelize Crosby 2011).

These organisations can also fall back on a vast number of publications by research institutions that criticize the government's land reform in various ways, often in correspondence with issues raised by the NGOs. Most prominent among these research institutions is the Institute for Poverty, Land and Agrarian Studies (PLAAS) at the UWC. While research institutions like PLAAS do not follow a certain political

²⁴ There exists a nationwide organisation representing black farmers in South Africa – the National Farmers Union (NAFU), but their focus is on existing farmers with a commercial orientation. NAFU cannot be seen as an organisation that effectively supports land reform applicants/beneficiaries on their way to acquiring land. NAFU is in alignment with Agri SA on many policy issues rather than with potential smallholder farmers. Cf. Bernstein (2011) In general, the effectiveness of their lobbying must be questioned due to apparent internal problems of the organisation. ESFIM (2011)

agenda²⁵ and are not constituted as composite actors, they still have at least indirect influence on policies. Their publications are widely recognized by the media and policy actors, therefore the output of research institutions is part of the institutional framework of land.

To establish the *beneficiaries'* perspective on land reform I focus on two NGOs as complex actors representing land reform beneficiaries' interests²⁶, the *Women on Farms Project* and the *Surplus People Project*. Among the NGOs working with land reform beneficiaries, these two are among the most recognized in the country. Both organisations are based in or in close proximity to Cape Town, where the parliament of South Africa is situated, which gives them the possibility to get access to parliamentarians, liaison workers or the media. For this reason, both NGOs are suitable to be taken into account as influential actors implementing and also shaping land reform policies.

Both organisations have a focus on small-scale producers and poor communities, therefore they do not necessarily represent the interests of the more affluent and rather well educated beneficiaries of land reform. I have very consciously chosen organisations with such a focus for two reasons. Firstly, to achieve the redistribution of agricultural land to a significant part of the population the focus has to be on the poor, because there simply are not enough well educated, affluent *formerly disadvantaged* people in the country who want to acquire land. Therefore to reach the quantitative targets set for the programme, land redistribution needs to target the poor²⁷. Secondly, well educated and more affluent people who apply for land (and who usually have a focus on commercial farming) do for the larger part succeed with their application, therefore, the reasons for the failure of land reform will not be found by looking at this group (cf. Interview with Karin Kleinbooi 2011).

²⁵ As Ricardo Jacobs of the SPP put it: „(...) PLAAS is a bit tricky, because it is one institution, but there is not one single view.“ Interview with Ricardo Jacobs (2011)

²⁶ On the macro level of policy formulation actors like the ANC Youth League or COSATU can also be seen as representing the interests of land reform beneficiaries to some degree – on the level of implementation these actors do not play a role, at least not in the cases I am familiar with.

²⁷ It has to be recognized though, that there is also “*still little systematic information in 2011 of the extent and location of demand for land for farming*” in general. It can only be concluded that from the sheer number of the rural poor, if there is significant demand for land, it will be found among this part of the population. Bernstein (2011): 5

5.2 The Surplus People Project and Women on Farms

The Surplus People Project (SPP) started in the 1980s with action against the forced removals of people that government officials referred to as *surplus people* (May 2008). Over the past years SPP has been very actively involved in issues of land and tenure reform. It has worked with individuals and communities that participated in various land reform programmes and organised mass action as protest against the slow pace of land reform. SPP's focus is on small-holder farming, agro-ecological production and food sovereignty.²⁸ The self-perception of SPP is that of an advocacy and lobbying organisation for the poor (SPP 2011).

SPP is very critical about the whole process of land reform. From their point of view the programme's focus is too narrow. The objective should be the redistribution of land parallel to a significant change in the agricultural system. According to SPP's Research, Information and Advocacy Manager Ricardo Jacobs the redistribution of land can be seen as an antagonist to the "*neo-liberal restructuring in agriculture*" (Interview with Ricardo Jacobs 2011). SPP views the basic idea of the redistribution programme as being contrary to the government's agricultural policies. The market-based approach to land reform is seen as an obstacle, possibly even the main problem, with regard to the redistribution of land especially in combination with a much too low budget (*ibid.*). In this context the emphasis on *producing for the market* by the Department of Land Affairs is criticized as a serious obstacle for people who "*may be more interested in subsistence production*" (May 2008: 39).

SPP and Agri SA alike have criticized the bureaucracy of land reform, especially under the LRAD programme. The drawn-out and complicated procedures repeatedly made farmers withdraw from the process who had initially been willing to sell their land. But SPP does not only look at the sellers' perspective when criticizing the bureaucracy of land reform. According to them, the process of application for land including the drafting and presentation of a business plan "(...) *might be quite daunting to follow (...)*" and presents a serious obstacle for some applicants (Interview with Herschelle Milford 2011).

²⁸ Information on the subject of food sovereignty can be found under:
<http://www.foodsovereignty.org/FOOTER/Highlights.aspx>

Another issue NGOs and organized agribusiness agree on is the perception that policies on land reform have not been coherent over time and changed too often, so that it was difficult to keep track of the different mechanisms. The various shifts within and between the policies on land redistribution have frustrated beneficiaries and NGOs alike. (Interview with Herschelle Milford 2011; Interview with Ricardo Jacobs 2011). The criticism also extends to the communication between the different spheres of government. *“National might have a policy, the interpretation of that policy on local level – that’s two different things”* (Interview with Herschelle Milford 2011). According to SPP’s experience, not only the communication between different levels of government is critical but also the fact that *“farmers and other players”* are not contacted *“right from the onset”* when new policies are drawn up (Interview with Herschelle Milford 2011). There is a wide perception that the needs and ideas of beneficiaries regarding land reform have been widely ignored (May 2008).

SPP is in favour of a people driven land reform that they say needs to be pushed by a national movement that can alter the current policies on land reform and oppose the dominant influence of organised agriculture on land reform policies (Interview with Ricardo Jacobs 2011). In the past years there has not been a movement that could apply this kind of pressure. Therefore, SPP aims to enhance the collaboration between different social movements, farmers and the landless to create a shift in the state’s concept of land reform (Interview with Herschelle Milford 2011). According to SPP’s managing director Herschelle Milford, many NGOs *“are often very turf orientated and (...) not very open for collaboration”* (ibid.) One NGO that SPP has a good working relation with is the *Women on Farms Project* (WFP).

WFP

Women on Farms is an independent NGO that has been involved in the issues of workers’ rights with a special focus on women since 1992 and is among others sponsored by the Heinrich Böll Foundation with which it has a close working relationship (Boell.org 2011). Starting out from a network of women’s rights groups on various farms WFP developed a member-based organisation with more than 35.000 members called *Sikhula Sonke* that is registered as a trade union and

represents female farm workers in various labour rights issues. WFP is mainly working in the Western Cape province. The organisation has established a reputation reaching well beyond the boundaries of the province and *„is seen as a key role player in the sector and demand for its services and participation, both from its constituency of farmwomen, and other role players, remains high“* (WFP 2011).

The female farm workers WFP works with are in many cases receiving insufficient income from their work. Often these women are only employed for limited periods throughout the year ranging between three and five months while their husbands bear the larger part of the household income. This not only makes the women very much dependent on their spouses, it also leads to situations where the household income is insufficient to provide food for all members of the family. These women frequently seek to acquire land for subsistence farming in order to provide for their family. WFP's concept involves the formation of cooperatives for collective farming. This approach provides the possibility to have successful cooperatives expanding their farming towards a more commercially oriented model (Interview with Fatima Shabodien 2011). WFP supports the process of forming a cooperative as a legal entity, engages in the application for land reform mechanisms and in some instances negotiates with farmers on behalf of the applicants (ibid.).

Just like SPP, Women on Farms is very critical about the market led land reform approach and the bureaucracy of the redistribution procedures. From their experience, even in very active land markets commercial farmers often rather sell land among each other than for the purpose of land reform and *“if they do sell to the state they inflate the prices so high that we can't buy it”* (Interview with Fatima Shabodien 2011). WFP feels that certain neo-liberal and commercially oriented aspects of the policy framework for land reform dominate the implementation of policies and that the framework is perpetuated because of the strong influence of the commercial farming sector on government policies. In WFP's view the rural poor should be a *“powerful political block”* that the government should *“want to be sensitive to”* (Interview with Fatima Shabodien 2011). But because there is no more nationwide movement of the landless to amplify their voice, organisations like SPP and WFP often direct their influence rather to the local level where implementation happens instead of the policy level.

5.3 The Government's Position on Land Reform

I have referred to the importance ascribed to a successful implementation of land reform and especially the redistribution of land in the introductory chapter. But while awareness of the need for land reform seems to be unanimous within the government, very diverse perceptions appear to exist about the shape of the programme and its supposed outcome. The review of the government's policies on land reform suggests that there is a tendency towards commercial agriculture of scale rather than towards small-scale subsistence farming. At the same time there is a strong emphasis on poverty reduction and food security. The absence of a specific vision for land reform that has been mentioned by various critics and the partly conflicting assertions within the policy might leave actors on the ground in doubt about the right way of implementing land reform policies.

The documents on land reform recognize the diverse needs with regard to the redistribution of land: *„In the rural areas land is needed for a variety of purposes where conditions are very complex and diverse. For example, land is needed by farm workers, labour tenants, and women who need to grow food to feed the family“* (DLA 1997). Especially in the early concepts of land reform the focus on the poor with the aim of providing them with access to land for residential and productive uses was quite strong (DLA 1997). But as we have seen, this clear focus was blurred in later stages of the programme and since the introduction of the LRAD mechanism the poor and landless are at least not the primary focal point of the programme anymore. Instead there seems to be general confusion about where the road of land reform will lead. Time and again, over the past years, there have been different proposals on land reform and while some of them have been incorporated into new policies, others have remained very unspecific and led to more confusion (cf. Faranaaz Parker in Mail&Guardian 2011).

One of the topics that are discussed most controversially is the expropriation of land through the state for land reform purposes. Neither is there agreement on how rigorous the tool of expropriation has to be used to speed up land reform, nor are all government members in agreement whether the existing legislation even allows for

sufficient state intervention via expropriation or not. The lines of disagreement do not only run between ordinary MPs but also e.g. between government ministers and the vice-president (Mail and Guardian 2011b).²⁹

South Africa has a very modern and capital-intensive agricultural sector and liberalisation after the end of Apartheid enhanced the productivity of agriculture even more. Many, government officials and organised commercial farmers alike, view modernisation and high productivity of commercial agriculture as the way forward while smallholder agriculture tends to be viewed as a way backwards (ICG 2004). There even seems to be a widespread belief that land reform can endanger agricultural productivity if it is implemented on a large scale (Lahiff 2008). The idea that the support of smallholder farmers could be a viable component of the economic strategy was never really prominent, even though the need to incorporate smallholder farming into the national economy has been recognized. But the ideas of what smallholder farming means diverge between the government's view, 'agribusiness' and the view of many potential smallholder farmers. The majority within the government wants to align the basic principles of commercial agriculture with the concept of smallholder farming: *"The pervasive rationale here was that efficient/viable small farming is a suitably scaled-down version of large commercial farming"* (Bernstein 2011). This narrow concept of smallholder agriculture was apparently not in line with the realities within South Africa. Many projects launched to support smallholder farmers were unsuccessful and only reached a small elite (Cousins/Lahiff 2005). A version of smallholder farming that does not produce primarily for the market with a focus on food sovereignty is not a popular conception with policy makers (Greenberg 2010b). Instead, part of the dominant discourse on land reform is the perception that the rural poor usually do not even want land but jobs and security – something that might be true in some rural areas but definitely cannot be claimed for the country as a whole (cf. Cliffe 2000).

Quite a few applicants for land redistribution want to follow a concept that starts out with subsistence farming as a supplement to their breadwinning occupation and

²⁹ The issue of expropriation is a topic different interest groups are quick to react on. E.g. when the government gazette published a proposal on a law to acquire land on behalf of farm workers by using expropriation if necessary, the right wing Afrikaner party *Freedom Front Plus* immediately announced that the proposition was *"dangerous and irresponsible"*. Mail and Guardian (2011a)

leaves open the possibility of producing for the market as an option in later stages of their project. In principle the government programmes allow for such an approach. The decision about the approval of this kind of project under the various programmes lies with the respective government department. The department takes this decision ultimately on the basis of a business plan that has to be drawn up by the applicants. This business plan gives the government direct influence on the direction a redistribution project will take with regard to its economic objectives (Grinde 2008). A positive decision about the redistribution of land towards an individual or a group depends heavily on what the responsible department regards as a viable objective for a land redistribution project.

6. The Implementation of Land Redistribution Policies

When analyzing the failures of the land redistribution programme by looking at specific cases, one has to be very careful not to generalize local characteristics. In certain areas of the Western Cape land prices escalated in the early 2000s and they remain among the highest in the country (CDE 2008). When a group of farmers tries to acquire land with a per hectare price of around one million Rand, the immense cost of acquiring such land could well be obstacle enough to prevent the transaction from taking place, even though such high value land has been acquired for land reform purposes in the past (Interview with Barry Levinrad 2011). For the purpose of this study, in order to have a higher degree of comparability, I will look at cases without such striking deviations from the national average.

6.1 Criteria for Case Selection

The policies on land redistribution allow for all different types of land reform beneficiaries. From unskilled workers to more affluent, experienced farmers all members of the *formerly disadvantaged groups* are potential beneficiaries of land redistribution. The greatest potential to reach the land reform targets though lies with the rural poor and landless. There are good reasons to focus on this group when trying to find an explanation why land redistribution targets were not reached.

As a successful case of land redistribution I consider a case where people applied for land or funding in order to acquire land via any of the land reform mechanisms and managed to acquire access to land in the process. A case is considered a success even if the access to land is not acquired in the initially intended way, as long as it is a result of the initial process, acquired through a land reform mechanism and includes physical access to land. This broad definition of *success* is due to the finding that: „most statistics published by the DLA for the period since 1994 lump together all land transfers that occur under the various sub-programmes of redistribution (e.g. LRAD, settlement, municipal commonage) along with land transferred under the farm dwellers’ tenure reform programme“ (Hall et al. 2003). If I want to explain why the South African government has not reached its own targets for land redistribution I have to use the same broad definition for successful redistribution as the government uses to compile its statistics.

The redistribution strategies in most of the provinces have focused mainly “on groups of black people pooling their grants, and other resources, to purchase white-owned commercial farms” (Cousins 2002). Many of these projects are based on creating a communal property association (CPA), a relatively new form of legal entity that allows groups to acquire property collectively. To determine possible reasons for the poor performance with regard to policy implementation I will look at four different cases. These cases were selected according to criteria that make it possible to conduct a case comparison. Based on the assumption that certain factors are very likely to influence the success of an application the cases should meet some minimum requirements of similarity. Applicants should have a similar social background, applications should be made by a group (for this is the most common form of application under the redistribution programme), all applicants should have a “farming background” because it is likely that applications of people without any prior knowledge of farming will not be approved. As said before I also needed variance on the independent variable, the redistribution of land³⁰.

³⁰ I came across three of the cases introduced in this study during my trip to South Africa. About one I learned during interviews with staff members of the Women on Farms project. Extensive material was made available to me and I was able to interview the programme officer working on the case. Two cases were indicated to me by researchers at PLAAS who referred me to a study conducted by Susan Tilley, a former PLAAS researcher. The fourth case has been presented in a case study by Megan Grinde.

In two of the cases the applicants managed to acquire land, the other two cases were unsuccessful. In each case the applicants come from the poorer segments of South African society and had virtually no financial resources of their own. All of the projects are group projects with the aim of communally acquiring access to land and in each case did the people look for land in close proximity to their place of residence at the time of the application, which is common in many cases of land redistribution (Interview with Barry Levinrad 2011). Also, the applicants in all of the cases had farming experience and wanted to use the land for activities they had prior knowledge about. These criteria not only make the cases comparable to each other, but they also ensure that they represent a significant number of redistribution cases in South Africa – probably the majority of all redistribution cases.

6.2 Case 1 – The Rawsonville Women’s Cooperative

In October 2006 the *Women on Farms Project* (WFP) engaged in negotiations with the *Breede Valley Municipality* in the Western Cape province to acquire land in the small town of Rawsonville on behalf of 32 female farm workers. The women wanted to start a small-scale farming business to gain some independence from low-wage jobs and abusive relationships. In January of 2007 the organisation received a written *Permission to Occupy* (PTO) from the acting director of corporate services. The PTO allowed the cooperative to occupy five hectares of land in Rawsonville for “*production and use*” for a period of two years (WFP 2010). After receiving the permission, WFP applied for funding with the National Development Agency (NDA), a public entity that provides funding for civil society organisations (NDA 2011b).

The NDA agreed to support the cooperative under the condition that the PTO would be extended to a five-year-period. When WFP applied for the extension of the PTO on behalf of the cooperative, they were informed that the director of corporate services had resigned and that the PTO he had granted to the cooperative was “*null and void*” due to procedural mistakes that had been made and because the land was “*earmarked for housing*” (WFP 2010). The municipality assured WFP that it would be possible to find alternative land and asked them to send a letter in conjunction with the NDA to explain the situation. The NDA forwarded the requested letter to the municipality. After this, according to WFP the contact with the municipality became

very difficult. The officials evidently avoided contact with WFP and delayed meetings and decisions repeatedly (cf. Interview with Roseline Engelbrecht 2011; WFP 2010). WFP sent various letters to, among others, the municipal manager and the mayor of Rawsonville (WFP 2007).

After only one of the letters was answered, the women of the cooperative and some members of WFP went to the municipal manager's office. They were referred to the Chief Town-planner who promised to allocate land to the women within a week. This did not happen and only about a month later did WFP manage to get back in contact with the Town-planner. He told them that a piece of land the size of half a hectare (instead of the originally promised five hectares) could possibly be allocated to the women, but that it this would have to be discussed with the mayoral committee. After this, representatives of the municipality could again not be contacted for an extended period of time. The women of the cooperative then decided to try to acquire land from commercial farmers.

In September 2007 representatives of WFP met with two Rawsonville farmers in order to discuss the possibility of getting leasehold access to land. One of the farmers agreed to this proposal. At around the same time still no contact could be made with the municipal decision makers. In October 2007 the farmer send a proposal to WFP offering five hectares of land for a price of 1000 Rand per month. At the same time he raised concerns about the duration of the contract. Because WFP sensed the farmer to be hesitant about concluding the contract they contacted the provincial Department of Land Affairs³¹(DLA) and asked them if it was possible for the women to get access to land through a land reform mechanism. After initial informal discussion with the DLA a formal letter explaining the situation in Rawsonville was submitted by WFP in January of 2008. Even after several phone calls and emails there was no response from the DLA.

In March WFP and the women of the cooperative finally managed to arrange a meeting with a representative of the DLA to discuss the situation personally. The DLA indicated that the women should apply via LRAD but that certain projects had already been earmarked for the 2009 financial year. Nevertheless WFP identified a

³¹ Today's Department of Rural Development and Land Reform

potential seller and delivered a LRAD application including a business plan and short-term financial projections to the DLA on behalf of the women's cooperative in April 2008. At the same time WFP still followed through with the attempt to get access to land through the municipality. They were assisted in their attempts by the NDA.

By that time more than half of the members had given up and left the cooperative. This was mostly due to financial hardships, the time consuming process of their struggle for land and a high degree of frustration that resulted from the tedious procedures (Interview with Roseline Engelbrecht 2011). Some of the cooperative members also reported that they had been mistreated by their employers because of their involvement with the cooperative (Anna Majavu in: The Sowetan 2008). In June, the farmer that had initially agreed to sell her land gave notice that she could no longer wait for the DLA to give an answer to the application for LRAD funds and would be selling to another buyer.

After this disappointment, WFP and the remaining 15 women of the cooperative decided to initiate a protest march and a symbolic land occupation on National Women's day, August the 9th 2008, and try to deliver a memorandum to government officials. About 200 supporters of the cooperative, as well as local and national media attended the protest march. (cf. Anna Majavu in: The Sowetan 2008; Interview with Roseline Engelbrecht 2011; Makanga 2009). Also present on that day was the regional director of the Department of Land Affairs who accepted the memorandum. For the WFP staff this was the moment that re-opened a process of actual negotiations with the government agencies (Interview with Fatima Shabodien 2011).

Even after this success it took the women almost two more years to get access to land. In June 2009 the women were promised to receive land in a commonage project. When they visited the land together with the municipal representative who had made the suggestion, they found that it belonged to a commercial farmer and was not available to them because it was not municipal property. After this it was suggested to the women to join another, already existing project. But this project was located too far from their place of residence.

In February 2010 two representatives of WFP and two of the cooperative members met with the mayor and the deputy mayor of Rawsonville. At this meeting they were told that there was no land available in the town area. After this WFP returned to the district municipality with their request for land. Eventually they were granted a piece of land in Worcester on leasehold for an initial period of three years and the symbolic amount of 1 Rand per year (Interview with Roseline Engelbrecht 2011; NDA 2010). Their quest had almost taken four years.

Before I introduce the other cases for my comparison I will describe the actors involved in this case in more analytic terms, doing this once in detail will allow for a quicker typification of the actors involved in the other cases.

6.3 The Actors

WFP and the women of the cooperative can each be classified as *associations* (Scharpf 1997). Each of the two has a collective purpose and collective action resources as well as a leadership. The organisational model of WFP relies on consensus rather than on hierarchical decision-making – but with the director holding the power of making an ultimate decision. The alliance between WFP and the women's coop is also very similar to an *association*.³² Critical action resources are collectively held and the choices that are made are being evaluated with reference to preferences that are defined at the level of the collective actor. The collective purpose of the *association* is to get access to land.

For WFP the underlying motivation for achieving this goal is different from the motivation of the women they work with. But there are no diverging self-interests and for both groups achieving the collective goal can be considered a basic self-interest to a certain degree. While the existence of WFP is based upon (successful) support for farm workers, the women of the cooperative want to secure income, independence and sufficient nourishment for themselves and their families.³³ The association of WFP and the women's cooperative will from now on be indicated as

³² Scharpf terms associational alliances between associations *association of associations* or *peak level organizations* (Scharpf, 1997: 147).

³³ Failing to acquire access to land would not necessarily mean an existential threat to any of the two groups. But it seems legitimate to say that both groups have significant self-interest in achieving their common objective.

WFP/Coop. This association interacted with different actors in order to secure access to land. The district and local municipality, the NDA and the DLA can all be classified as *Corporate Actors*. All three are hierarchical organisations and have a “*high degree of autonomy from the ultimate beneficiaries of their action and (their) (...) activities are carried out by staff members whose own private preferences are supposed to be neutralized by employment contracts*” (Scharpf 1997: 54).

The Department of Land Affairs is a national department with regional offices. The director of these regional offices is usually in close contact with the national Minister for Land Affairs (Interview with Barry Levinrad 2011). In the context of this case, the regional DLA is the actor most closely tied to the national policies and, maybe more important, to the political decision makers on both the national and the provincial level. Strategic decisions by the DLA have to consider broader interests of national development with regard to the department's responsibility for agriculture, international competitiveness and food security. This means that the identity of the DLA is strongly shaped by national policies.

The district and local municipality are treated as one actor. This is in accordance with the national legislation which states that both are interdependent and district wide planning is done at the district level (cf. SouthAfrica.info 2011). Treating the district and local municipality as a single actor is also a way of reducing complexity by aggregation (cf. Scharpf 1997). The municipality is basically bound to the same policy framework as the DLA and the NDA. In recent years, in a process of decentralisation, a lot of responsibility has been transferred to the municipal level. In contrast to NDA and DLA the municipality can much easier be approached directly by the actors involved in a land redistribution project. The municipality has to deal with the interests of commercial farmers that e.g. might not want smallholder farmers in their neighbourhood (cf. Interview with Roseline Engelbrecht 2011; Tilley 2008) or farmers' organisations that promote a certain way of doing land reform. Through the easy spatial accessibility of municipalities, beneficiaries can also approach them with less effort than other governmental agencies. This puts Municipalities in a position where they have to consider different perspectives when making their decisions. It suggests that their identities and interests are shaped not only by national policies but also through their local integration. The accusation of having a local bias which is

frequently being voiced against municipalities even by other state actors supports this assumption (cf. Interview with Barry Levinrad 2011).

The NDA's mandate is *"to contribute towards the eradication of poverty and its causes by granting funds to civil society organisations"* (NDA 2011a). This mandate is rather straightforward and can be fulfilled, within the budgetary limits and with regard to the objectives of the broader policy framework, according to the discretion of the NDA. The NDA is usually approached by a civil society organization that is supporting beneficiaries (in this case WFP) and then decides whether it will (and can) direct funding to this project. In contrast to the DLA, the NDA has much less obligations regarding broader national economic objectives.³⁴

The actors appearing in the other three cases are very similar to the ones described above.

6.4 Case 2 – The Bokdrif Family Unit Farming Project

In 2001 members of the Atlantis Small Farmers' Association (ASFA)³⁵ that were looking for land to use for long-term farming, approached one of the extension officers at the Swartland Municipal Department of Agriculture Office in Malmesbury (Western Cape) to ask him for assistance³⁶. The extension officer advised the farmers to apply for LRAD funds and to establish a project based on family units with no actual collective farming. This advice was based on the experience that many projects with a collective farming approach and large numbers of farmers had failed because of internal conflicts (Grinde 2008). Based on this idea, eight families with a total of 35 eligible applicants started the process of applying for LRAD. The families approached the Provincial Department of Land Affairs, the Provincial Department of Agriculture, the Swartland (Malmesbury) municipality, the non-profit organization Goedgedacht Agricultural Resource Centre (GARC) and another non-profit

³⁴ The farmer that was approached by WFP is, of course, an individual actor. I can only include her in the sense of taking her actions into account without speculating on her intentions and motives, for I have no secured information on these.

³⁵ ASFA is a non-profit organization leasing (among other services) land to small-scale farmers for periods of 1 year. The farmers in this case were looking for better tenure security.

³⁶ An agricultural extension officer works closely with farmers as a consultant. He or she will help farmers with all aspects of agricultural production. Extension officers are employed by the government. For more information see: Williams (2008)

organization called the West Coast Ubuntu Farmer's Association (WEKUFU, which is also a branch of Goedgedacht) to form a project management team (PMT) for the LRAD application (ibid.).

After the PMT was put together the farmers went looking for land that could be acquired. They found a 31 hectare large piece of land that belonged to the farm Bokdrif. Even after dividing the land between the families there would be enough land for each family to farm on. The land offered by the farmer was the least productive part of his farm, which appears to have been the main reason for his willingness to sell (Grinde 2008). Before the approval of funding could come through the farmers had to decide on their business goals and do extensive planning to provide for the necessary infrastructure on the land. According to the five-year business plan that the farmers drafted, they intended to start with subsistence farming and then wanted to increase their level of productivity towards a more commercially oriented operation.

The DLA that had the last word about the allocation of funding towards the farmers initially rejected the project because of the proposed family-unit farming model. According to them the input and productivity levels would be too low and therefore the department wanted changes within the project planning towards a stronger business oriented model. The extension agent who supported the farmers throughout the whole process intervened with the department and, according to him, due to his reasoning the project could "*proceed as planned*" (Grinde 2008: 45). The agent provided valuable help in all the different stages of the project. When the farmers could not get the Department of Public Works to approve of a planned access road to the farm, he suggested to just build the road anyway indicating that the department would be too overworked to intervene which proved to be right.

Another problem arose when the farmers indicated in their business plan that they would not rely on loans from the Land Bank. Farmers who are eligible for LRAD funds usually indebt themselves in order to make investments into their new farming business. In this case the extension agent supporting the applicants advised them not to take loans from the Land Bank, as he perceived that an over-indebtedness of many LRAD farming ventures leads to the high failure rate of these projects. This

decision lead to intensive debates with the state actors because of the low budget that implicated even lower productivity levels for the project.

The EFA and its partners went through a long process of negotiations with both of the government agencies in order to convince them of their business model. This process took the farmers to a point where they saw no other option than to put more pressure on the government. The EFA decided to take action and “*protested in front of Parliament in Cape Town on numerous occasions, performing South African Toi-Toi protest dances and demanding that the Land Bank and Department of Land Affairs commit to expediting the redistribution process*” (Grinde 2008: 46). In September 2003 the DLA finally approved of the application and after a two year long process the farm was eventually transferred to the Bokdrif farmers. This was still among the “*fastest LRAD project transfers committed so far in the Swartland municipality*” (Grinde 2008: 47).

After having described two cases of beneficiaries eventually succeeding to secure access to farmland, I will now turn to two similar cases where the redistribution of land failed.

6.5 Case 3 – The Brandvlei Emerging Farmer’s Association

The small Town of Brandvlei is located in the Hantam Karoo region of the Northern Cape. Sheep farming is the most prominent form of agriculture in this region. In 2002 the *Brandvlei Emerging Farmers Association* (EFA) decided to apply for land under the Municipal Commonage Programme. This part of the land reform programme allows for municipalities to purchase land by using the *Grant for the Acquisition of Land for Municipal Commonage*³⁷.

Members of the EFA had been farming individually on different smaller plots for some time and now they collectively owned 411 sheep and 246 lambs (Tilley 2008). They had been able to access existing municipal commonage land in 1998 but this land had become too small to provide for the EFA’s growing herd. Therefore the EFA

³⁷ „This grant is to enable primary municipalities to acquire land in order to extend or create a commonage and provide infrastructure on the land to be acquired or on existing commonage for the use of qualifying persons.“ DLA (2001)

identified a farm that was up for sale and suitable for their purposes. They approached the Hantam municipality with the request that the municipality should apply to the Department of Land Affairs (DLA) for funding in order to be able to purchase the farm as municipal commonage. The land should then be leased to the EFA. The farm called *Remhoogte* had a size of 5,438 hectare and adjoined existing municipal commonage at the outskirts of Brandvlei. The EFA farmers suspected that the main reason for the farmer to sell his land was that he was afraid all the surrounding commonage would be given to small-scale emerging farmers in the future (Tilley 2008).

The municipality agreed to the EFA's request and contacted the DLA. The farmers had come to an agreement with the owner of the farm that he would warrant the municipality (or the DLA respectively) an *option-to-buy* of four months at a price of 150 Rand per hectare. In the following months the DLA did not only fail to grant the money in order to buy the *Remhoogte* farm within the time frame, they also did not even approach the farmer to undergo negotiations within those four months. When they finally did start the negotiation process, the farmer had increased the price to 160 Rand per hectare. This was "*due to a loss of production experienced by the owner while waiting for confirmation of the sale and a general increase in land prices in the area*" (Tilley 2008: 54). According to Roseline Engelbrecht, project manager for Women on Farms, the price increase and the reason given by the farmer seem to be sound (Roseline Engelbrecht: Personal Communication 2011). The DLA though, was only prepared to pay 155 Rand per hectare as they told the municipality and the owner of the land.

The EFA as well as the municipality sent appeals to the DLA office in Kimberley and urgently asked them to reconsider their decision. Still, the DLA terminated all negotiations regarding the land purchase, insisting that the price was too high by 5 Rand per hectare. According to Grinde, to resolve the issue the municipality had even offered to pay off the extra 5 Rand per hectare (a total additional amount of 27.190 Rand) to the DLA over a period of about a year (Tilley 2008). But the DLA remained determined that it was impossible for them to go above the market price because that would have been seen as *the department driving up land prices*, as Tilley writes citing a DLA official. The provincial DLA acknowledged that it "*could*

afford to pay” but that they felt they “*needed to make the point that (they were) only prepared to buy land at an appropriate price*” (Tilley 2004: 55).

During its negotiation with the owner of the farm the DLA did not communicate with the municipality and only informed them about their decision of not buying the farm after the negotiations were over. Therefore, the municipality could only react to the DLA’s decision but had no chance of influencing the outcome of the negotiations about the sale in the first place. After this disappointment that EFA set up a committee that was tasked to look for alternative land that might be available in the area. The only farm they found and were interested in buying, in an area further away from town, was taken off the market after the EFA approached the landowner.

6.6 Case 4 – The Bergrivier Small-scale Farmers’ Association

In the Bergrivier Municipal district of the Western Cape most land is either being used for commercial farming or by private game farms. In the year 2000 two groups of farmers in this area became interested in acquiring an insolvent farm called *Goergap*. In this rural context it was easy to establish contacts between the two groups. The two small-scale farmers associations decided to merge and try to jointly acquire the farm. The *Bergrivier Emerging Farmers’ Association* (EFA) that resulted from this merger consisted of 260 farmers in total (Tilley 2008).

After becoming insolvent *Goergap* had been placed under administration by the Land Bank³⁸. The EFA decided to approach the Land Bank directly, in its double function as holder of the land and possible moneylender for land reform purposes. The EFA asked the bank to fund their project and sell the *Goergap* farm to them. This approach was necessary because in early 2000 a moratorium had been placed on the disbursement on any new land reform grants because of which no LRAD funds or municipal commonage funds could be accessed (cf. Hall et al. 2003). This moratorium was lifted six month later but the initial approach to purchase the farm fell into the time frame of the moratorium. The EFA also approached the Bergrivier municipality and asked them to support their land reform project in order to have a credible advocate supporting their project in front of the Land Bank. They also

³⁸ I will go into more detail on the Land Bank as an institution in the analysis of the case.

contacted the DLA to find out how the moratorium would affect grant funding through the Land Bank and hoped that the DLA would be able to give them additional information on how to proceed with their undertakings (Tilley 2008).

From the very beginning of the process, the members of the EFA did not feel that the Land Bank regarded their application as a viable project. The same was true for the DLA. During all their contacts with the different government agencies, little to no response came from the state agencies' side and no progress was made with regard to their application. The municipality also did not show any interest in supporting the EFA and contact remained sporadic. Around this time the EFA "*was approached by a business consultant who became interested in purchasing Goergap*" (Tilley 2008: 65). The EFA agreed to enter into a joint venture with this consultant. The idea was to acquire funding and land jointly and put the land in a trust. In case of success the farmers would hold 51 percent of the shares and the consultant 49 percent. After this decision, their project gained some momentum. The consultant managed to acquire a planning-fund from the Department of Agriculture and indicated that it might be possible to secure funding from Holland should more funds be distributed from the government's side. The plan was to grow onions of export quality that would then be shipped to Holland.

After some time the consultant managed to secure the necessary funding. He also acquired planning funds from the DLA to draw up a business plan. With these preparations and the financial assets the EFA and the consultant made a joint offer of 1000 Rand per hectare to the Land Bank in order to acquire the *Goergap* farm in March 2003. When handing in their application, they indicated that the offer could be increased if necessary, depending on the progress of negotiations (Tilley 2008). The Land Bank did not respond to their purchasing offer at all, even after various attempts of correspondence. Instead, little time later they sold the farm to a consortium of commercial farmers from the same area for an amount that was only 10.000 Rand higher than the total amount that had been offered by the consultant and the EFA (2,9 Million Rand).

The EFA and their partner were taken aback and sent letters of protest to the Land Bank. A Land Bank official justified the uncooperative behaviour of the Bank and their

refusal to sell the land to the EFA by saying that the Bank was not in a position to consider “*uncompetitive bids*” (Tilley 2008: 66).

7. Analysis: The Actors

In each of those three cases the actor constellation is very similar to the constellation in the first case of the WFP/Coop association. Corporate governmental actors have been involved, the municipality, the DLA and the Land Bank. In every case there was an *association* of emerging farmers in alliance with a third party on the applicants’ side and on the seller’s (or provider’s) side, where the land in question was held, there was either an individual farmer or a government body (see table 1).

	Types of Actors involved on the beneficiaries’ side (incl. supporting actors)	Actor(s) deciding on disbursement of funds/land	Actor(s) holding desired land	Land Reform mechanism(s) used	Outcome
Case 1	WFP and Women’s Cooperative = association, (supported by the NDA)	Municipality, DLA	Municipality, Individual Farmer	Municipal Commonage, LRAD	Positive (Municipal land acquired)
Case 2	Farmer’s Association and Extension Officer = forming a coalition with features of an association	DLA, Land Bank	Individual Farmer	LRAD	Positive (funding provided and project approved of by both govt. actors)
Case 3	Brandvlei EFA and Municipality = weak coalition	Department of Land Affairs (DLA)	Individual Farmer	Municipal Commonage	Negative (DLA refused to buy land)
Case 4	Bergrivier EFA and consultant = coalition with features of an association	Land Bank/DLA	Land Bank	N.A.	Negative (Land Bank sold to commercial bidder)

Table 1: Actors involved in the four case studies

It could have been expected that land which is being held by a body of government, is more likely to be used for land reform than privately held land, especially in cases where small-scale farmers with a focus on subsistence farming are involved. The

table illustrates that at least in the cases analysed here, there is no indication for this. The table also demonstrates that positive outcomes are possible regardless which type of government body is deciding on the disbursement of funds or land. Furthermore we can see that land was acquired through the municipal commonage programme as well as via LRAD, meaning that both policies, being the main mechanisms used for land redistribution, can lead to a positive outcome for small-scale farmers. This indicates that at least part of the reasons for the failure of projects will be found on the level of interaction between the different parties. Before I look at the interactions in each case I will examine what including the knowledge about the institutional framework of land reform can contribute to the case analysis.

7.1 Case Analysis: Looking at the Institutional Level

In the third case presented, the Brandvlei EFA failed in their attempt to acquire farmland because the DLA said it was not prepared to pay the price asked by the farmer.

The first question, that comes to mind when looking at the details of this case is: *What could be possible reasons for the DLA not to fund this project?* There is of course the reason given by the department itself. But the DLA's justification that it was impossible for them to pay above market price even by five Rand does not seem viable. Not only because the margin of 5 Rand (around 60 Euro Cent) per hectare is diminutive, but also for another, more important reason.

The policies on land reform and the South African constitution provide for the possibility of expropriation exactly for this kind of case. If a farmer drives up the price of his land to an unreasonable level the government can expropriate the land and “pay just and equitable compensation” (DLA 1997). In situations where the government has a good case and the price is the only obstacle for implementing a promising land reform project, even organisations like Agri SA support the expropriation of land (Interview with Annelize Crosby 2011)³⁹. In a few cases the government has threatened reluctant farmers with expropriation should they not agree to sell their land at market prices with the outcome that these farmers lowered

³⁹ For more information on the issue of expropriation see among others: DLA (1997); RSA (1996a)

their demands (Interview with Barry Levinrad 2011). In this case, there is no evidence that the DLA did even consider an expropriation even though the case seems to be a prime example for a situation where such a strategy should at least have been tried. Had the DLA been convinced that the asking price was above market level, the threat of expropriation alone could have been a reason for the farmer to lower the price. So why didn't the department put more efforts into realizing this project? Some of the answers can be found by looking at the institutional level.

As was shown, the policies on land reform are moving between two poles that are being seen as antipodal by many actors. These poles are commercially oriented and internationally competitive agriculture on the one hand and small-scale agriculture with a focus on self-sufficiency on the other hand. The national government is somehow caught between these two poles. While the importance of distributing land to the poor is being recognized, many policies aim at rather commercially oriented projects. But quite often this focus is not in line with the needs and interests of poor people who are applying for land reform funding. Bryant and Bailey (Bryant/Bailey 1997) write about the *dual role of the state* in countries like South Africa. They make the point, that the state is conscious of its responsibility for the poor and vulnerable but at the same time it tries to develop a globally competitive market economy and because this is the higher ranking objective, it supersedes the need to substantially address the issues of the poor and vulnerable sections of the population if the two issues conflict.

Assuming that this argument is applicable has specific implications for some of the governmental actors in the cases presented above. The National Development Agency's (NDA) mandate is "*to eradicate poverty by granting funds to civil society organisations*" (NDA 2011b). It is not responsible for agricultural economic development and international competitiveness, very unlike the DLA and the Land Bank, and it can be assumed that the *dual role of the state* influences primarily the NDA's budget but not its actions. The Land Bank's mandate, on the other hand, is explicitly to "*provide financial services to the commercial farming sector and to agribusiness*" (Land Bank 2011) and the DLA is bound to the various policy documents (all of which it has worked on – many of them published by the DLA itself) like the LARP programme and others that make "*global competitiveness*" a "*core pillar*" of

land reform (Department of Agriculture Forestry and Fisheries 2008: 13; see also: Lahiff 2008). Also, the pressure directed towards the government by influential actors like Agri SA to implement commercially oriented land-reform-projects must be considered as playing at least an indirect role in these two actor's decisions. It must be assumed that the primary objective of creating an internationally competitive market causes a prioritisation of commercially oriented land reform projects by the DLA and the Land Bank.

What can be asserted from knowledge about the institutional framework of land reform and the identities of the two main actors responsible for project funding is, that the DLA and the Land Bank must be seen as adversaries of small-scale farmers applying for land, rather than as facilitators, at least if the applicant's project objectives are not in line with these governmental actors' preferences. From what we know this is due to certain inflexibilities within the policies and the orientation on commercial farming by these actors (cf. Interview with Ben Cousins 2011; Interview with Ricardo Jacobs 2011; Jacobs 2003). The role of the municipalities is more difficult to determine and will be looked at more thoroughly further below, I will also come back to the role of the DLA and the Land Bank.

In the case of the Bokdrif farmers the DLA and the Land Bank made it very clear that the small-scale orientation was an obstacle for the EFA's application. Still, in two of the four cases, small-scale and non-commercially oriented farmers succeeded in securing access to farming land. Case comparison will help to determine factors that led to these diverging outcomes.

7.2 Comparing the Cases

The constellation in the case of the Brandvlei EFA was as follows: An association of farmers approached the municipality with their request for municipal commonage. The municipality again turned to the DLA to ask them for funding in order to buy additional commonage. Since the municipality had already provided land for the farming purposes of the EFA and the land to be acquired would have been owned by

the municipality it seems appropriate to assume that the municipality had an honest interest in accessing the DLA funds⁴⁰.

In this case we have a coalition between the EFA and the municipality trying to get funding from the DLA in order to acquire land from an individual farmer. The only reason given by the DLA for terminating its negotiations with the farmer was that the price of the farm was (just slightly) above the limit the DLA was willing to pay. I have argued that this reason seems implausible. The information about the case suggests that the DLA gave away a chance to transfer land for no valid reason and the assumption can be made that other, deeper lying reasons can be found for the failure of this land reform project, reasons that derive in part from the institutional framework of land reform and manifest at the level of implementation. As a first step it seems feasible to look at the two successful cases and see if striking differences can be found between them and the case of the Brandvlei EFA.

Peculiarities appear on three levels: the actor constellation, the modes of interaction and the endurance and flexibility on the beneficiaries' side. In both successful cases strong alliances between the beneficiaries and third-party supporters of their project existed. The women's cooperative in Case 1 formed an association with the *Women on Farms Project* and also received support from the NDA. The Bokdrif farmers in Case 2 were supported by the extension officer and two non-governmental organisations. In both cases the alliances were able to fall back on substantial experience with the redistribution programme and interactions with state agencies. In contrast to that, the Brandvlei farmers in Case 3 were in a rather weak coalition with the municipality.

As illustrated above, in the case of the WFP/Coop association the purpose of getting access to land was in a way existential to both alliance partners. WFP get their founding mostly from international donors and therefore they need to present successful cases. The longer WFP works on a case (the more time and resources it invests) the more important it becomes to the organisation to finish the case successfully.

⁴⁰ This assumption is supported by Tilley's account that the Municipality offered to repay the extra money needed for the purchase. Tilley (2008)

In Case 2, the Bokdrif farmers were supported by two NGOs that joined their project management team. The most important support though seems to have come from the extension agent the EFA worked with. Of course there can only be speculation on the motivation this agent had to support the farmers and contribute his intimate knowledge of the land reform process. From Megan Grinde's report it can be gathered that this agent had worked with many failed projects in the past, which can certainly be a strong motivation for getting involved. Also, even though it is not mentioned in the report, it is very likely that the extension agent was able to secure a planning grant for his support, as is being provided for in the LRAD mechanism (DLA 1995). A planning grant can cover up to 10 percent of the total sum of the project funding. In this case 10 percent would have been about 70.000 Rand. But regardless of the motivation, the extension agent gave substantial support to the EFA and engaged in repeated negotiations with the government agencies. He gave his support throughout the whole process on a voluntary basis and not because he was professionally obliged to do so. Therefore in Case 2 there was again a strong and knowledgeable alliance on the beneficiaries' side. In the Case of the Bokdrif EFA the alliance with the extension agent can be termed *coalition* with strong features of an association; on the one hand it had a collective purpose (association) on the other hand action resources were separately held and deployed in a coordinated strategy (coalition) (cf. Scharpf 1997).

In Case 3 the alliance between the Brandvlei EFA and the municipality had a very different character compared to the alliances of the other two cases. Firstly, even though the municipality could have profited from the extra commonage land in the long term, and even though they supported the project to some degree, their engagement with the EFA was neither of existential meaning to them nor did they engage in the project voluntarily or with the prospect of significant material gain. Secondly, it is a much different constellation if a municipality is interacting with a provincial department (a higher level of government) from a situation where a NGO interacts with governmental agencies. This has to do with the very different *capacities for strategic action* (Scharpf 1997) that NGOs have compared to a municipality. Capacity for strategic action depends very much on the type of actors involved. While a NGO in alliance with land reform beneficiaries can try to involve all

different kinds of third parties to apply pressure on the decision making governmental bodies, the municipality, being a body of the government in its own right, will usually not appeal to opposition parties or, as happened in Case 1, involve a third government party to secure support from that side. Also, a municipality cannot easily involve the press and try to raise attention in favour of the beneficiaries. The municipality has to consider the future working relationship with other governmental bodies and the degree to which their own work and capabilities are dependent on this relationship (funding, infrastructure etc.). Because NGOs are even being expected to act confrontational (to a degree), confrontational behaviour in one case does not necessarily strain working relationships with their *counterpart* indefinitely. In contrast to this confrontational behaviour by municipalities might be viewed as insubordination and could damage future working relationships with provincial or national governmental agencies.

Last but not least, coalitions of NGOs and beneficiary groups can fall back on protest action as a last resort while a municipality could hardly support protest against other bodies of government. All this shows, that the coalition in Case 3 was much weaker than the association in Case 1 and the coalition in Case 2, with regard to its cohesion as well as regarding its capacities for strategic action that were needed to challenge their counterpart. If alliances of composite actors do not have sufficient similarities, if they have diverging worldviews or evaluate a situation and the possible ways of action differently, they have a very low capacity for strategic action (Scharpf 1997) and this seems to have been the case. Additionally it is very likely that the Brandvlei EFA did not have comprehensive information on the preferences and identities of their counterparts, which would have been needed for interactions on eye level. The farmers in the two successful cases had much wider ranging strategic options through their experienced and well-informed alliance partners and most likely better access to strategically important information on their counterparts.

7.4 Changing the Game

The issue of strategic action has to be considered more thoroughly. In Cases 1 and 2 the slow progress of the respective case was met with protest action by the beneficiaries. In Case 1 relatively widespread media attention was achieved by a

protest march and a symbolic land occupation and with that the women showed all the relevant actors that they “*were serious*” (Interview with Roseline Engelbrecht 2011). In Case 2, repeated protest action at the national parliament in Cape Town certainly proved the applicants’ determination and raised attention for their cause. The Brandvlei farmers in Case 3 did not take any such action. They obviously relied solely on the validity of their claim. After the DLA had taken its decision, the EFA and the municipality sent appeals to the DLA but by then it were too late because during the decision process no further action had been taken to influence the outcome. The important aspect in this context is that in Cases 1 and 2 the beneficiaries significantly changed the nature of interaction with the government bodies. To illustrate what this means it is helpful to describe the situation on a more abstract level.

The basic actor constellation of a redistribution case looks like this:

Actor-A (the applicant) asks Actor-G (the governmental body) for funding or other forms of support to get access to land. Actor-G then gives Actor-A a list of formalities that A has to adhere to. Actor-A then goes through a formalised process at the end of which Actor-G takes either a positive or a negative decision based on Actor-A’s adherence to the formalities and other factors that A cannot influence like e.g. the price of the land, the available budget or, in some cases, the integration of the project in the Integrated Development Plan. After fulfilling to all the formal demands Actor-A passively awaits the decision.

Analysed from the perspective of actor-centered institutionalism this way of decision-making is one of the four basic modes of interaction⁴¹ i.e. hierarchical direction (Scharpf 1997: Chapter 8). Decisions *of the state* are being imposed on the citizen(s) by hierarchical authority. Of course the state is bound by certain rules and formalities (here the policies of land reform) but eventually “*decisions can be imposed without the individual citizen’s consent*” (ibid: 171). Applicants for land reform are able to influence the degree of probability for a positive decision by handing in an informed and viable project application⁴² but it is not intended under either LRAD, SLAG or the Municipal Commonage Programme that they are part of the decision-making process, there is no provision for a *negotiated agreement*. This is surely also due to

⁴¹ „ (...) *Along with unilateral action, negotiated agreement and the majority vote*”. Scharpf (1997: 171)

⁴² Which requires that the applicants possess comprehensive information on all requirements and the preferences of the respective decision-making institution

the fact that systems of hierarchical direction considerably decrease transaction costs while negotiated agreements usually produce high transactions costs that rise exponentially with the number of participants involved.

In Cases 1 and 2 though, the applicants broke this pattern. They did not rely on the formalised processes. Not only did both groups significantly pressurise the decision makers with concerted protest action, the WFP/Coop also simultaneously applied for Municipal Commonage and LRAD funding and instead of waiting for decisions by the governmental actors they repeatedly requested information through various channels and by doing this permanently took an active part in the process. The Bokdrif EFA had the extension agent engaging with the government agencies on a regular basis and in some instances they even avoided formal processes. In both successful cases did the beneficiaries change from passive into active and demanding actors. The state agencies they interacted with were confronted with behaviour they had not been anticipating and which forced them to deviate from their standard procedures. By doing this they also changed the nature of the game that was being played. From a (non-cooperative) game where decisions were made by hierarchical direction the beneficiaries forced the government agencies into a (also non-cooperative) game of mutual adjustment.

Games of mutual adjustment occur in situations where non-cooperative games are being played and players act “*non-perfectly rational*” (Scharpf 1997: 108). These games are sequential and starting from a certain status quo players move unilaterally without an overall strategy that assumes the potential moves by the other players involved – this interaction continues until a *Nash equilibrium* is reached⁴³. Mutual adjustment can be used to explain outcomes in situations like those in Cases 1 and 2 where there is no explicit coordination, even degrees of conflict, but eventually a stable outcome is reached. The players adjust their actions to each move that is being played by their counterparts and as soon as a situation is reached where all players recognize that they will not improve their own position by moving again interaction will stop. The reached outcome might not be the best one that could have

⁴³ Non-cooperative games are games where players move unilaterally and there is no possibility for ultimately binding decisions – players can cooperate but they can also always fall back on unilateral action. A Nash equilibrium is basically an outcome where no player can improve his or her situation by moving unilaterally. For more information on these topics see: Leyton-Brown/Shohav (2008)

been reached originally – as we can see in the case of WFP/coop who only attained land on a leasehold basis – and it leaves open the possibility for a change to a better solution in later stages, but it is a stable solution.

In many social processes games of mutual adjustment are likely to occur because players cannot integrate future strategic choices of their counterparts into their own strategies. This presents an opportunity for all beneficiaries of land reform – if they start applying unforeseen strategies these actions might force their counterparts (be it private land owners or governmental agencies) to react and produce a game of mutual adjustment that is likely to produce a better outcome than passively awaiting a decision. This in itself might not be sufficient to ensure success, but it looks to be an important aspect of it. A great challenge of games of mutual adjustment is that they often entail drawn-out processes of sequential interactions (Scharpf 1997). Cases 1 and 2 are prime examples of this. Therefore, games of mutual adjustment are no guarantee for satisfactory outcomes because throughout the process players can always fall back on unilateral action if “ (...) *they perceive individually attractive alternatives*” (ibid: 110).

With regard to this, two other factors were important in both successful cases: flexibility and endurance. In Cases 1 and 2 the beneficiaries followed their objectives over an extensive period of time and showed flexibility when obstacles occurred – they reacted on the strategic decisions by their counterparts. To do this, they needed to maintain their active role throughout the whole process to change an unfavourable situation into one where it was possible to open up new routes that could be taken. The WFP/Coop actively and repeatedly referred to alternative ways of securing access to land for the women and by doing so made it difficult for the governmental bodies to end the process with a final and unalterable decision. By following course for over four years in combination with flexibility regarding alternative approaches and different ways of strategic action the actors finally secured success. The occurrence of these two factors, flexibility and endurance, is very likely to depend on the nature of the composite actor. Associations can be expected to be more flexible and able to react quicker than coalitions, because the cooperation within coalitions is usually not as closely coordinated and highly integrated as it is within associations. Also, it seems improbable that the women's coop in Case 1 or the EFA in Case 2

could have endured in their struggle for as long as they did, had they not known that there were alternative strategies to interact with their counterparts and additional ways for, e.g. more confrontational action in order to achieve their goals. In both cases the second alliance partner provided the necessary strategic information. This does not necessarily mean that applicants cannot become more actively involved on their own, but it means that if there is no information about possible alternative options sufficient flexibility and endurance are unlikely to occur. Often, beneficiaries do not possess comprehensive information on the land reform mechanisms and processes and, what might be even more important, they do not possess comprehensive information on the objectives and preferences of their counterparts in the negotiation process (cf. Hall/Aliber 2010; Interview with Karin Kleinbooi 2011).

Including the case of the Bergrivier EFA in this analysis will provide some more information on the significance of alliance partners and strategic action.

7.5 The Bergrivier EFA

In contrast to Case 3 the Bergrivier EFA was cooperating with a non-governmental coalition partner who had a major interest in a successful outcome. The nature of this alliance was more akin to that of an association than to a coalition and therefore there were better possibilities for collective strategic action. With regard to the evidence found so far, these two factors can be expected to increase the chances of success.

The initial progress of the project supports this assumption. The consultant that supported the EFA was capable of securing the necessary funding to make a purchasing offer to the Land Bank. He trusted the viability of the project enough to invest time and money into it. This partner, in contrast to the municipality in Case 3, was not a governmental actor and could act without the restraints limiting the municipality and he also had a strong motivation for his support – financial gain. But instead of using the available resources for collective action the Brandvlei farmers, just like the Bergrivier EFA, did not engage in any actions deviating from the formal procedures of interacting with governmental bodies in land reform processes. They remained in a position that made hierarchical direction by the state agencies possible

instead of applying strategies to change the mode of interaction to one of mutual adjustment where they would have been able to actively influence the outcome of the process. The applicants fulfilled to all the necessary requirements to make a bid for the land they wanted to acquire and handed in their application – after that they remained passive. It is very likely that this behaviour results from a lack of information about the institutional framework of land reform and the identity of the Land Bank as their strategic counterpart or at least from wrong interpretation of the information they had. That the EFA was able to secure funding indicates that their project idea was reasonable. Apparently they expected their application to be sufficient for a positive outcome and assuming that they had knowledge about the policies on land reform, this is generally a comprehensible judgement.

In contrast to WFP in Case 1 and the extension agent supporting the Bokdrif farmers in Case 2 the Bergrivier EFA and the consultant do not appear to have had experience with other processes of land redistribution. In addition to that, the fact that they intended to farm commercially by producing export quality onions might have assured them of their project's viability. Since there was no communication with the Land Bank they were not informed about the second bidder. The fact that established commercial farmers competed with them could have made the EFA's bid *uncompetitive* in the Land Bank's eyes and since the farmers passively waited for a decision the Bank could confront them with a *fait accompli* and close the case. Had the EFA known about the second bidder not only could they have raised their own offer, but they would have had the possibility to engage the Land Bank in a discussion on their intentions for the land and about their doubts regarding the EFA's project. If the Land Bank was not convinced of the viability of the project, only active debate could have assured them of the contrary. The fact that, after the Bank sold the farm, letters of protest were sent instead of more intensive and awareness raising expressions of indignation is very much in line with the generally tentative approach of the farmers. An important aspect with regard to interactions of mutual adjustment is that whoever makes the first move determines how the interaction continues (Scharpf 1997). The number of applicants alone could have produced a protest march that would have raised attention to their demands. This would have made it much more difficult for the Land Bank to simply ignore the EFA's demands.

The case of the Bokdrif farmers (Case 2) proves, that the Land Bank is in fact willing to approve of and support projects that are not in line with its own views and intentions and therefore seem less viable from the Bank's perspective. But the condition for that seems to be to actively engage with the Land Bank and to simultaneously refute their doubts in open discourse and put pressure on them through strategic (and to a certain extent confrontational) action. To apply such a strategy it is necessary to activate collective action resources and try to change the nature of the game. The EFA itself could have acted as a collective and even without involving the consultant. By activating the contacts this consultant apparently had collective action could have had an even bigger impact. By not activating collective action resources at all, apart from collectively applying for funding, the *coalition* wasted important strategic capital. It appears that the farmers relied too much on the formal processes. Especially after their initial bad experiences with the governmental actors it seems astonishing that they did not take a more active approach when they started their second attempt of engaging with the Land Bank.

At this point another important aspect of Cases 1 and 2 comes into play. Both groups of applicants had support of composite and very knowledgeable alliance partners. The aspect of knowledge must be assumed to be of vital importance in this context. Women on Farms Project (Case 1) and the extension agent (Case 2) both had intimate knowledge of land reform processes. These partners were able to transmit strategic information to their associates and they knew their governmental counterparts well enough to anticipate their behaviour. They expected that passively waiting for a decision by the state agencies might significantly reduce their chances for success. The assistance of knowledgeable non-governmental actors can certainly help to shift the power relations between beneficiaries and the state (cf. Interview with Herschelle Milford 2011).

The number of individuals within the EFA is a feature that distinguishes the case from the other three cases and constituted a possible handicap for the project application.⁴⁴ But even though the large group size could have been an explanation

⁴⁴ By the year 2000 there was some evidence that projects involving large numbers of applicants were more likely to fail in the long run than those involving smaller groups. But even after 2005 there were still quite a few cases of land reform that involved more than 100 individuals in the Western Cape and other provinces. Cf. Lahiff (2008)

for the Land Bank's refusal of the project, the statement that the Bank could not consider an *uncompetitive bid* does not reflect on that. It refers to the fact that the conglomerate of commercial farmers paid a higher price for the farm than the EFA had offered and that they possibly had a more *viable* looking business plan. The viability of a project in many cases of land reform is associated with productivity and economic return. To frame viability this way means, that group- or family farming and subsistence projects will always be considered as being less *viable* than large-scale and especially economically oriented farming models (Cousins/Scoones 2009).

The fact that in Cases 1 and 2 group farming projects with a non-commercial focus successfully acquired land does not prove that more active engagement and protest would have guaranteed successful redistribution in either of the two failed cases. Unilateral, negative decisions by the state agencies would still have been possible. But active discourse with the Land Bank might have produced alternative roads for the EFA to take. These could have been a downscaling of the group size or an alternation in their business plan or other options that might have improved the EFA's chances to purchase the land. Taking a more active approach surely does not guarantee success but it certainly increases the chances for it while passively waiting for a decision seems to be a main reason for failure.

Before I conclude my study, I will try if a change of perspective can add some more data to complete the analysis and take a closer look at the state agencies involved.

7.6 Unfunded Mandates and Limited Statehood

The governmental actors with the most ambivalent role in the arena of land reform might be the local municipalities. The fact that many people with need for land turn to the municipality confronts local bureaucracies with problems they often cannot tackle. In Case 1 the WFP/Coop focused mainly on the possibility of acquiring land through municipal commonage, therefore the municipality was their primary addressee. On the municipality's side we can identify different ways of reacting towards the WFP/Coop's demands. At first there was a positive but at the same time incompetent reaction. The director of public services that approved of their application made formal mistakes that made the Permission to Occupy (PTO) invalid. In later stages of

the process there were different alternating reactions. The key figures within the municipality very openly avoided contact with the WFP/Coop association and played them along time and again by giving certain promises that were not kept. The underlying strategy, if there was any, seems to have been to ignore the WFP/Coop's demands until they gave up. They did not anticipate the strategic choices made by WFP/Coop and it appears that they were generally unable to fulfil to their demands. This assumption is supported by the municipality's behaviour at different occasions.

In 2009 the municipality indicated that land for the coop would be available but again it proved that there had been a mistake and that this time the land in question did not even belong to the municipality. This is yet another example for incompetency on the municipality's side. As a matter of fact, high levels of incompetency can be found in many municipalities in South Africa. The reasons for this originate in the early years of hectic reorganization after Apartheid and nowadays seem to be structural. When the first attempts of land reform proved to be fruitless and at the same time often insufficiently educated people were rushed into governmental jobs as part of affirmative action programmes, there was a massive drain of experts from the local government institutions (cf. Mapadimeng 2003). At the same time many government functions have been decentralized towards the local level without providing local government with the necessary resources to perform these additional tasks. While the priorities of local government institutions are frequently being set by higher level institutions on the provincial and national level there often is "*limited reference to specific local needs*" (Ntshona/Lahiff 2003: 2) and insufficient budget. This produces a phenomenon of *unfunded mandates* at the local level (Manona 2005). Decentralization leads to situations in which local governments are simply unable to provide services they are obliged to provide because of a lack of funding and because there are inadequate levels of sufficiently qualified personnel to carry out these duties (cf. Bosman 2007).

From the NGOs' side municipalities are not necessarily being viewed as opponents in the struggle for land, there are in fact "*areas of very positive cooperation*" (Interview with Fatima Shabodien 2011) but some government agencies seem to be unable to cope with the exigencies of land reform. This problem can also be observed when looking at the Integrated Development Plans (IDPs) of municipalities.

Usually, these medium-term planning schedules should incorporate land reform projects in order for the municipality to co-ordinate its planning for land reform with other bodies of government, but because the necessary expertise is not always at hand in some cases there is no provision for land reform projects in the IDPs. In the early 2000s only few IDPs incorporated land reform (Tilley 2004) a problem that has since then been recognized but by far not solved. Another problem is that, because the institutional framework of land reform is focused on commercial agriculture, certain ways of agricultural production are not integrated into the IDPs which again means that projects following non-compatible ways of production (e.g. subsistence farming) might not be approved by the responsible department because of that (cf. Interview with Karin Kleinbooi 2011).

The situation that local government departments are left with *unfunded mandates* and in some cases a significant lack of expertise can be analysed as a problem of *limited statehood*. South Africa is a “*newly industrializing state*” (Risse/Lehmkuhl 2006: 10) and as such it is likely to have “*deficits in local areas and/or in certain policy areas*” (ibid.). These deficits do not mean that land reform cannot be implemented at all but they apparently lead to a situation where at the local level the South African state is not capable of entirely enforcing political decisions made at the national level⁴⁵. The resources of local governmental actors are too limited. This means that even in instances where the respective state agency is willing to decide in favour of land reform beneficiaries (as in the Case of WFP/Coop) it might not be capable of doing so.

A comprehensive explanation using the concept of limited statehood in order to explain the reluctant and in instances dismissive behaviour of the state agencies in the four cases would need to gather more data on the governmental actors involved⁴⁶. It can be argued though, that the behaviour of the municipality in Case 1

⁴⁵ The definition of an “area of limited statehood” by Risse/Lehmkuhl reads: “*Limited statehood (then) refers to deficits with regard to what is generally described as effective sovereignty – namely the state monopoly on the use of force and the ability of states to enforce political decisions.*” Risse/Lehmkuhl (2006) For more information on the issue of “limited statehood” see: Risse (2010). A detailed discussion of the concept of statehood can be found in: Benz (2001)

⁴⁶ Deficits caused by *limited statehood* are also more likely to be found on the municipal level, especially in the Western Cape where the administration is relatively well funded. The provincial department for land reform has recently bought highly profitable and expensive farms. Such areas are designated for commercially oriented and experienced black farmers. Cf. Interview with Barry Levinrad (2011)

was a result of the exact deficits that constitute *limited statehood* in *newly industrialising* states. Even though the municipality eventually provided the land for the coop, everything that happened on the municipality's side during the WFP/Coop's four year long quest indicates that the municipality was incapable of providing the requested services because its officials were unable and/or unwilling to properly deal with the issue of providing commonage land for land reform. In Case 3 we find a similar situation. The municipality was unable to provide sufficient land for the EFA, it then approached the DLA with its request for funding in order to buy additional commonage and from that moment on the municipality was left out of the loop until the negative decision was made by the DLA. Not only was the municipality unable to support the emerging farmers from its own resources, it was also unable to influence the DLA's decision and was not even allowed to take part in the negotiations with the farmer. Even though the municipality would have been the ultimate owner of the land, it was completely neglected and apparently powerless to change this situation. It has to be noted that this lack of cooperation between the different levels of government also shows a lack of legitimacy in the policy process. Eventually, in Case 4 the municipality did not show any vital engagement with the EFA's request for supporting its attempt to buy land from the Land Bank. As we can see, in all three cases where the local municipality was involved we can find symptoms of *limited statehood*. In South Africa there is a general lack of cooperation in and between the different spheres of government, the local, provincial and national level (Lahiff 2002b). The findings of the case studies confirm this.

If we assume that the South African state simply cannot implement its policies in full scale it also has to be assumed that in the context of land redistribution only projects of high priority will be implemented. Whether a project is prioritised before others or not might depend on various factors. From the cases presented here we have learnt that it is possible for beneficiaries to add weight to their demands and raise their project's level of priority with the help of third parties. Non-governmental actors tend to substitute state agencies in areas of limited statehood (Risse/Brozus 2009) in the context of land reform their function seems to be the support of beneficiaries in order to change the mode of governance from hierarchical governance to one of mutual adjustment.

8. Conclusion

In this study quite a few of the dominant explanations for the poor performance of the land reform programme proved to play a role while some of them did not, which could of course be due to the nature of my research design. Before I present the findings of this thesis in form of hypotheses derived from the analysis of my four cases, I will look at some of the widely accepted explanations for the slow progress of land reform to see in how far these might apply in the context of my study.

There are only few certainties about the land reform programme. One of them seems to be that too little money has been allocated to the redistribution of land – to this conclusion almost everyone concerned with the issue has come (cf. among others CDE 2008; Interview with Fatima Shabodien 2011; Interview with Herschelle Milford 2011; Lahiff 2008; Mapadimeng 2003). Interestingly though, in none of the four cases analysed above the availability of financial resources was a key variable determining whether the redistribution of land was successful or not. In the case of the Brandvlei EFA the DLA was not willing to pay the demanded price and it seems unlikely that the department was unable to afford the additional 5 Rand per hectare. This indicates that, even though without more money allocated to land reform the 30 percent target might be unrealistic to reach even under the most ideal circumstances, there must be other factors that in many cases prevent the redistribution of land.

Possibly the most controversially discussed topic with regard to land redistribution is the willing seller willing buyer approach. A common allegation is that farmers rather sell their land to other farmers than to the government which means that even in areas with an active land market there is not much land available for land reform (cf. Interview with Fatima Shabodien 2011). Others say that farmers inflate the prices to a level at which land is almost unaffordable as soon as the government wants to acquire land for land reform purposes (cf. Interview with Herschelle Milford 2011). Almost each of my interview partners had a different opinion on the issue of willing seller willing buyer, some of them saying that the model of land acquisition itself is far from being a key factor for the slow progress of redistribution (Interview with Annelize Crosby 2011; Interview with Ben Cousins 2011) and that the amount of money the government allocates to land reform is the real issue. The Case of the Brandvlei EFA

indicates that a willing seller willing buyer approach without an actively pursued expropriation mechanism could pose a problem. But the case comparison suggests that this is not the key issue – it seems that the willing seller willing buyer model has rather become an excuse behind which other deficits can conveniently be hidden.

One issue that clearly plays a role are drawn-out, tiring and complicated bureaucratic procedures. The two successful cases needed two, respectively four years to be completed and involved a series of negotiations and interactions that required endurance, flexibility and knowledge from the applicants. It remains an open question though, if the extensiveness of the procedures is only due to an inadequate policy framework that requires excessive bureaucratic procedures or if bureaucratic obstacles have to be seen in the light of diverging interests between governmental actors and the *beneficiaries* of land reform. At least on the local level obscure bureaucracy surely has to do with a lack of (skilled) personnel.

In much of the literature on land reform we find, implicitly and explicitly, indications that there is an inconsistency between the principles of land reform and the methods through which certain goals are meant to be achieved (Mapadimeng 2003). This inconsistency clearly played a role in the cases analysed above. It can be explained by considering the *dual role of the state* that gives priority to economic factors. Also important in this regard seems to be a lack of integration of local governments into the process of policy formulation and the implementation of policies (cf. Wegerif 2004). The fact that there is no clear vision for what exactly the outcome of the land reform process should be and no explicit definition of what a viable land reform project is, surely is one of the underlying reasons why the policies and their implementation diverge (cf. Cousins/Scoones 2009; Interview with Annelize Crosby 2011). Assuming that on the local level we find symptoms of limited statehood adds to the challenges that land reform beneficiaries are confronted with.

All of these assertions point at the institutional framework of land reform rather than at the interactions that are taking place on the level of implementation and they do not provide satisfying explanations for the two failed cases presented above – especially regarding the fact that the two successful cases prove that a positive

outcome is possible in similar settings. But in combination with the analysis of the four cases these explanatory approaches provide for two basic assumptions:

1. *On the municipal level we are likely to find areas of limited statehood that severely limit the possibilities of implementing land reform through municipalities*
2. *The higher level government agencies tend to have a strong bias towards commercial agriculture which disadvantages smallholder, subsistence schemes*

These two findings have implications, which have to be considered when trying to explain the slow progress of land reform. They are the foundation for further and more specified hypotheses based on the case studies.

8.1 Hypotheses

In all four cases the main interactions happened between state agencies and the beneficiaries of land reform or respectively their supporters. We have seen that in cases where the applicants actively engage with the governmental institutions, challenge them and show flexibility in their reactions towards new developments, the chances for success are much higher than in cases where the applicants are less active and wait for a decision by the state.⁴⁷ Therefore, the first finding of the case studies is:

Land redistribution is likely to fail when beneficiaries passively await a decision by the respective governmental body

⁴⁷ A study by Edward Lahiff demonstrates the same mechanisms I found in the cases presented above. The community of Gasela in the Eastern Cape province applied for LRAD funding to purchase the land (a formerly white-owned farm) they were living on. Because their project did not seem economically viable the DLA turned away from the project. The Border Rural Committee (BRC) an NGO with extensive experience in redistribution cases supported the community with their application. The BRC encouraged the community to develop the land even without title. After the cultivation of land was successful the BRC and the community launched a widely recognized public campaign to put emphasis on their demands and in 2001 the transfer of land was finally approved of. Lahiff (2003) This case supports the conclusions drawn from Cases 1 and 2. As is typical for interactions of mutual adjustment the process until a sustainable outcome was reached took very long, in this case about five years.

The policies of land reform provide for interactions between beneficiaries and government agencies where outcomes are determined through *hierarchical direction*. We have seen that beneficiaries can change the mode of interaction into one of *mutual adjustment*. In order to do this they have to challenge the governmental actors with unanticipated strategies or respectively a significant amount of pressure. To be capable of actively engaging the governmental agencies, applicants need to be able to activate collective action resources that are usually only accessible for strong *coalitions* or *associations*. The second finding of the cases therefore is:

Land redistribution is likely to fail when beneficiaries are unable to activate collective action resources in order to emphasise their demands

In order to use collective action resources effectively, land reform beneficiaries as collective actors⁴⁸ need to have access to comprehensive information on the land reform programme, the preferences and identities of their counterpart(s) and their own rights and possibilities. There is empirical evidence that there is a general lack of information on land reform policies among the rural population (Aliber 2006). This leads to the third finding:

Land redistribution is likely to fail when beneficiaries do not possess comprehensive information on their counterparts as well as the rules and procedures of the process

These three are the key findings of the four cases. Within the existing institutional framework of land reform and considering the given actor constellations on the level of policy formulation, as well as on the level of policy implementation, one of the main reasons for the failure of land reform seems to be the structural weakness of land reform beneficiaries compared to landowners and state agencies. This weakness is likely to derive from low levels of organisation and limited access to comprehensive information on the land reform programme's rules and procedures as well as limited access to political lobby groups, the media and supportive NGOs.

⁴⁸ Since all of the projects examined in this thesis were group projects it is possible that individuals applying for land or funding have very different experiences with the land reform programme. Evidence from other studies though indicates that there are no fundamental differences. It seems that affluent and well-informed individuals have much better chances of acquiring land through land reform than socially less well off individuals. Cf. Wegerif (2004) Given the evidence that collective action resources play a decisive role for successful application it has to be assumed that individuals stand even less chances of acquiring land through the land reform programme than groups.

An alternative explanation for the low vigour behind demands for land could be limited interest by potential beneficiaries. It might be the case that simply not enough people want to acquire land for land reform purposes as is suggested by some people concerned with the issue (cf. Interview with Karin Kleinbooi 2011). I did not find evidence for that. All of my interview partners indicated that there is a strong demand for land and the bulk of the literature I reviewed also pointed towards that. A study by Michael Aliber et al found that there is an extensive ignorance of land reform. People do simply not know about the different mechanisms, their rights and possibilities and possible alliance partners regarding the acquisition of land (Aliber 2006). This ignorance could be a key factor for the low level of organisation of potential land reform beneficiaries. The same reasons that should make the poor the main target of land reform seem to be the underlying reasons that large-scale land redistribution cannot succeed within the present institutional framework: poverty, bad access to information and low levels of mobility and education. My study shows, that the deficits of the land reform programme lie on the institutional level as well as with the actors who are involved in the implementation process. It seems probable that there are mutually reinforcing effects enhancing the deficits on both levels. Based on this assumption the findings of this study can be translated into three hypotheses that answer my research question and can form the foundation for further research:

1. *The institutional framework for land reform does not make the rural poor the primary target of land redistribution policies and neglects their needs and interests – this contradicts the objective of large-scale land reform*
2. *Structural disadvantages of the poor population and low capacities for strategic action in combination with the institutional framework of land reform produce a redistribution process where interactions between state agencies and “beneficiaries” of land reform are usually interactions of hierarchical direction*
3. *Interactions of hierarchical direction, within the existing institutional framework, produce negative outcomes in most cases*

These hypotheses point towards two things. To begin with, there are structural deficits within the policy framework and within the general institutional framework influencing land reform that are contradicting large-scale redistribution and put beneficiaries in a disadvantageous starting-position. Furthermore, this suggests that the policies of land reform should provide for a stronger integration of beneficiaries throughout the whole decision process. Constant communication and interaction would enable processes of institutional learning that both sides could benefit from.

Land reform beneficiaries need adequate and comprehensive information on the programme and capable, accountable and authorized counterparts on all levels of government, especially at the local level. But it appears to be unlikely that this kind of change will happen through the virtue of national policies alone (cf. Interview with Herschelle Milford 2011). The matter of land distribution in South Africa poses, not only in policy terms but also in game theoretic terms, a *Redistribution Problem*. This means the objective of a policy, in this case the equitable redistribution of land, can “only be attained at the expense of identifiable individuals or groups” (Scharpf 1997: 70). This makes the land reform process also a struggle for wealth and power. Hence, dominant power relations are reflected in the policies. These power relations are very unlikely to be changed substantially by political initiative from above because liberal constitutions are only able to rearrange power relations up to a certain and rather limited degree (cf. Kariuki 2004). In addition to this, in South Africa like in many other sub-Saharan countries, the strongest political force is to a large extent unchallenged in its dominating position. The ANC can feed on its status as the movement that brought liberation from the abhorred Apartheid system. So far the party is not intimidated by the rural poor looking for land who largely still vote for the ANC (Interview with Fatima Shabodien 2011).

All this means that not only should we assume that land reform is constrained by symptoms of limited statehood, interaction modes of hierarchical direction and a bias towards commercial farming, but that it is unlikely that national policies will effectively change the situation in favour of the poor and towards wide ranging land reform – regardless of what the official rhetoric might suggest. My three hypotheses based on the key findings of this study do not contradict the general findings of the research on land reform, but they suggest that a different focus is necessary.

To reach stable outcomes that satisfy all parties involved in land redistribution cases, real interdependency between the different actors is needed. In the context of land reform, interdependency can much easier be established on the local level. The findings of this thesis show that strong coalitions of beneficiaries and civil society groups can produce alternative modes of interaction in the local context. This should also be the mode of entry for further research.

The diverse scene of NGOs deserves closer examination with regard to cooperation and informational exchange between the different organisations. Organisations like WFP and SPP recognize that comprehensive cooperation would lead to stronger impacts of their actions. So what are the obstacles that prevent stronger and more effective cooperation between NGOs concerned with land reform? If the institutional framework of land reform does not provide for a prioritisation of the rural poor it can be assumed that this has consequences for many NGOs working with beneficiaries. Examining who the clients of NGOs are could provide insights on diverging interests and strategies of civil-society organisations concerned with land reform. It has to be assessed based on which criteria NGOs chose their clients and what the underlying assumptions of their strategies and objectives regarding land reform are. This will help to assess how structural disadvantages of the rural poor might be overcome and could also be an important component towards a verification of my hypotheses.

Future research also needs to look directly at the actual beneficiaries of land reform. The question of how structural deficits on the local level might be overcome has to be answered without solely focussing on NGOs. The concept of *limited statehood* might prove useful in this regard. Should limited statehood in the rural areas and structural disadvantages of the rural poor de facto present main obstacles for land redistribution then we might find a different situation with different outcomes in the urban areas. Also, if the state is weak on the local level this could mean that alternative forms of governance are developing as is happening in many areas of limited statehood. Is this happening in South Africa? Or can the state be forced to govern? What can be learned e.g. from experiences in the urban areas around struggles for water- and electricity supply with regard to the struggle for land in the rural areas? A comparison of land redistribution in urban and peri-urban areas with

redistribution cases in the rural areas could provide answers to these questions. Expanding the research focus to interactions between the state and civil society in urban areas can also provide more and relevant data regarding the hypothesis that interactions of hierarchical direction produce negative outcomes.

In the rural areas of South Africa many white farmers feel that they live in a state of constant threat. Since 1991, 3000 people, black and white, farm owners and farm workers have been killed on South African farms and several thousands attacked (cf. Grill 2012; James 2007). In 2008, xenophobic attacks in South Africa's cities made international headlines and raised attention for the country's precarious social situation and a growing xenophobic nationalism (cf. Kohnert 2008). The potential for social conflict seems enormous. A functioning land reform programme could and should be an important aspect of a comprehensive strategy to tackle social imbalances. To achieve this it is not only necessary for the government to change its concepts but the *beneficiaries* themselves must become significantly more active. This also implies that people need to get organised and voice their demands. It seems that the starting point must be the municipal level where strategic action has the best chances of having an impact. NGOs should recognize that decentralised action could be a powerful tool, especially if the pressure on the municipal level grows to an extent that it is being passed on to the higher levels of government. Changing the modes of interaction between the state and the citizens will not happen through national policies alone but it could be achieved through a bottom-up approach. Various local associations with high capacities for strategic action could be able to trigger a process that might eventually lead to new policies on the national level and last but not least a fresh start for sustainable and effective land reform.

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Appendix

Appendix 1 Map of the Research Area



Location of the two Provinces (Flashearth.com 2012)



Location of the Case Study Areas (Flashearth.com 2012)

Appendix 2 Interviews

2.1 Interview with Annelize Crosby, Legal and Policy Advisor, Agri SA

Date: 16.08.2011

Place: Vida e Caffè, Waterfront, Cape Town

Time: 11:15 – 12:15

Method: Digital Recording

Interviewer: David Betge

David Betge

DB: How are you professionally being involved in land reform?

Annelize Crosby

AC: I am contracted by Agri SA to do their policy work and parliamentary liaison work and I also do some legal work for them. I have been involved in the land issue for almost sixteen years now, working mostly for Agri Sa bringing the farmers perspective into the debate and negotiating on behalf of commercial farmers. And I have also been involved more closely in some of the cases.

DB: On what level is Agri SA mostly involved in the land reform process?

AC: Agri SA is the national organisation and as that it is mostly involved on the policy level. But it has affiliations at a grassroots level. There are nine provincial affiliations and each of them has a number of affiliations at a district level. And through those organisations on the ground the individual farmers are also indirectly members of Agri SA. So when they need advise they go firstly to the local organisation, the farmers association, if they can't get the necessary advise or assistance there they take it up to the provincial level and if they still can't get it there they can come to the national level and ask for advise.

DB: What do you as an organisation do to have your voice heard?

AC: We have both internal and external mechanisms of communication. Externally we issue a lot of media statements, we have a communication department and are a member of a lot of organisations and have all sorts of partners. And then we try and liaise with the parliamentarians and try to get our views across.

DB: So you do try to do some agenda setting as well?

AC: Yes, mostly unfortunately in a reactive way nowadays. So we react to something that government puts out there. But sometimes we would take the initiative and put something on the agenda that is not on the agenda.

DB: So is there anything at the moment that should be on the agenda but is not?

AC: Well, there are lots of things that are government functions and that we think should be done much better. There is a huge debate about the road and rail infrastructure for example. And the safety issue is something that we are always concerned about. (...) It is actually a range of issues. So for example our farmers get very little government subsidies, well in fact they don't get any, while overseas farmers get a lot of it and we have to compete with that.

DB: How does the safety issue, attacks on farmers and farm occupations, influence farmers that are supposed to take part in the land reform programme? Does that make them more reluctant to cooperate?

AC: Well, the thing that makes them reluctant is are the cumbersome government processes and the fact that it is so frustrating and that it takes such a long time to finalise any negotiations with government. Because we get lots of farmers who actually would like to sell their farms. Often their sons and daughters are not interested in coming to the farm and make a living of farming. So when they retire they want to sell their farm and they are quite eager often to sell the farm to government. But it takes forever to negotiate and finalize an agreement and to get your money if you sell it to the government. So because of that, farmers have become more and more reluctant to do that, they rather

sell it for a lower price to another private buyer where the transaction can be finalised quickly, than waiting for three or four years for the government processes to be done. And then there are many things that I think are driving farmers from their farms. And the safety issue is definitely one of those. And it is tough to be a farmer nowadays. For lots and lots of reasons. For example you have to comply with so many administrative things.

DB: What are Agri SA's concerns and interests regarding land reform at the moment?

AC: Look, we have long accepted that land reform must take place. We know that there will never be true stability if we don't have meaningful land reform. So, we are in favour in land reform. But we have a very strong stance that it should happen in an orderly way, that it should happen in a transparent way and that it should be fair to everybody concerned. And that includes the compensation that farmers should be paid when their land is being taken for land reform purposes. Because more and more you get calls by the ANC Youth League and even COSATU that you should take the land without any compensation.

DB: Do you think large-scale expropriations might actually happen?

AC: Personally I think it is unlikely that it will happen. It basically cannot happen as long as we have the property clause in our constitution. But it is worrying that there is this continuous call for it from quite influential organisations like COSATU.

DB: Who would you say is putting pressure on the government to change the policies on land reform?

AC: As far as land is concerned particularly I would say Agri SA does play quite a significant role. There are various organisations. The trade unions are very active in this whole debate. Organisations like SPP, the land NGOs in the provinces, also Women on Farms, they are very vocal in these issues. And

then academic institutions such as PLAAS, they are quite influential. And political organisations like the ANC Youth League.

DB: Would you say the policies on land reform have been coherent over time?

AC: No, and it is not governments fault only. But there is a lack of vision as to where we are going with this process. We have never taken a conscious decision of what we want the outcome of land reform to be. (...) We have not decided are we going for lots and lots of small farms or are we going for a mix of commercial farms and small farms and subsistence farms or are we going the equity route or whatever. We need a vision that is generally acceptable to all the stakeholders. And if you look at the way that the Department of Rural Development, previously called the Department of Land Affairs, have implemented their policies and basically changed their policies over time, there have been lots and lots of changes. There where so many policies that have disappeared now. We had the S/LAG and the LRAD policy that have disappeared now and they seem to be chopping and changing their policies. Which I think is necessary because this whole thing is an experiment. But at the same time if you have a vision and if you have sensible policies you should be changing the policies as you go along and not change them all together.

DB: You said one problem for implementation is that it takes a very long time, what else would you say are obstacles for the implementation process?

AC: First of all, if our government takes the position that land reform is a priority and it has taken that position, than national budget should reflect that and it doesn't, it never has. Rural development is supposed to be one of the five top priorities of government at this point in time. Go and look at the actual budget it is a very small percentage. And the budget for agriculture is just as small. And we had some very good years in this country. (...) The second thing is that implementation has been poor in the sense that the processes are cumbersome but also in the sense that many of the officials have not done a very good job in implementing it. I don't know what the reasons are, whether it was lack of commitment on their part or whether it was lack of training,

because it is such a complex process. But it has been quite frustrating for everybody involved. (...) And then unfortunately corruption is starting to play a role. Even the minister has on one or two occasions quoted specific cases that have come to his attention, where the farmer has asked one price and the amount that is being reflected, what the government has paid is way much than that. And somewhere in the middle someone has taken the money.

DB: When you as an organisation have to work with the government on land reform implementation issues, how well does this co-operation work?

AC: It hasn't worked well. Some of the provincial unions have gone so far as to compile lists of all the farms that are up for sale in that province and made that available to their provincial department of rural development. And there has been very little response. What we would do if there is an individual member that has problems then he would approach the provincial union and the provincial union would approach the land reform office and put pressure on the process and try to get things finalised that way. And sometimes it is successful and sometimes it is not.

DB: How complex is the legal framework of land reform?

AC: In restitution it is a big issue not so much in redistribution. The problems from the farmers' side came in when the government acted very slowly.

DB: How is the new PLAS programme working, where the government is approaching farmers to buy their land and then redistributes it?

AC: Yes, the programme' focus is now mainly on the PLAS programme. So that is the programme of choice now. (...)

DB: How should the programme develop in the future?

AC: I think the only thing that can really work are meaningful public private partnerships. (...) Because government cannot do this on their own.

DB: Do you think the willing buyers and the willing sellers should be more integrated into the process?

AC: Well, this whole debate on the willing buyer-willing seller is a lot of hogwash. And that sellers can hold government to ransom and demand any price they want is nonsense. Because the government has always had the power to expropriate and we are not opposed to that. There should always be a try to reach a negotiated agreement but if that cannot be reached they can use expropriation. But in the Western Cape these equity schemes have been very successful. And those are basically schemes where the farm workers and the previous owners are working together and they are supposed to have an equal say.

DB: Thank you.

2.2 Interview with Professor Ben Cousins, Programme for Land and Agrarian Studies (PLAAS), University of the Western Cape, Cape Town

Date: 16.08.2011

Place: University of the Western Cape, PLAAS Office

Time: 15:30 – 16:30

Method: Digital Recording

Interviewer: David Betge

David Betge

DB: How have you been involved with the land reform programme?

Ben Cousins

BC: Mainly I have been involved on the policy side with tenure reform. I have worked closely with the department in the 90s. And then in the last few years I was part of the team challenging the constitutionality of the communal land right act, which was set aside. So I was working against government so to speak.

DB: How close to the ground has your work been?

BC: Well, for the legal challenge we worked closely with four applicant communities. And for the last four years I have been working in Kwa-ZuluNatal. The fieldwork there shows an overlap between tenure reform and redistribution.

DB: Who would you say are the actors that are determining the policy on the national level?

BC: It varies over time. It is very different in the early nineties, mid-nineties, late nineties, early two thousands and now. Right now the policy process is very in-transparent. So we don't really know. It seems to be an internal process and certainly the department is not interested in listening to researchers, or the commercial farming lobby or the private sector or NGOs, they shut everybody out. So it has turned inward and it is very unclear, in fact what the policy is, is very unclear. So, they have been engaged in consultations for example with restitution claimers. So they claim to be consulting people on the ground. But it is unclear if that is meaningful. So, personally I think the current minister and the leadership of the department at the moment have decided that they have to make policy all on their own. Without talking to anybody else. Even within government. They don't get in meetings with agriculture, they don't get in meetings with economic development department. So they are insulating themselves within government. I think it is out of defensiveness, because there is so much criticism. So they are frightened of being hammered if they are going into open discussion. That is in stark contrast to the era after 1994. Then the department was very open. NGOs, researchers, communities and emerging social movements were continually being invited to workshops to discuss policy. This was happening in every sector. From the late nineties it started to shut down. And then there was a little excitement in 2005 after the Land Summit. This was little bit of a peak in openness, but it fell away again, and there was a change of minister again. The real question think is how to explain the relative neglect of land as an issue by the ANC given the fact that it

has powerful symbolism and it's political capital is quite high. And we can see that people want to make it play, like Julius Malema. But why does the ANC in practice use very little money and appoint completely useless people?

DB: Do you think the shut down from the side of the department might bring a change in policy?

BC: In practice the department has always been very resistant to pressure from farm owners. (...) When it comes to land redistribution or restitution the government has always been completely resistant. So this pressure from the commercial farmers...well nothing has really changed. The argument that is being mounted by the commercial farmers' lobby in their own defence at the moment is that of food security and the minister has shot himself in the foot by saying that around 90 percent of land reform projects are a failure even though there is no empirical evidence for that. And now they can say: By your own admission it is a failure so you need to change your policy. So now they are even more defensive. It was kind of a stupid move in the first place. The department of agriculture looks after the agricultural sector so it has to listen to the agricultural lobby, it has to because that sector is dominated by commercial farmers. But when it comes to land they can't really have a direct say. They do have an influence but in a very indirect manner, in that the mental models of agriculture in South Africa revolve totally around large scale commercial farming. It is so deeply embedded so that what real farming is, is commercial farming.

DB: So what about the model of willing/seller willing buyer. All mechanisms of redistribution rely on that model...

BC: I think the debate about that is slightly distorted. It revolves around how you acquire land. It does not say who you should give that land to and for what purpose. Because it is market based and it comes at a price, it appears to be a key obstacle, but it's not. In fact the real questions are, if you acquire land by whatever means and to whatever price the question arises: who to, what for and with what support. In fact this is not a poor country so in my view the

country can afford to buy at market- or slightly below market prices. In fact we should bring the prices down a bit by using the constitutional mechanisms but it is a red herring. And we have the commercial farmers on the one hand side saying we must have it to protect the interests in market compensation and then you have the activists and NGOs saying we need to do away with it because it is raising costs. But none of them have the eye on the ball and government have been confused about it themselves.

DB: Would you say that some expropriations could be a strategic action from the government's side to put a little more pressure on farmers who are reluctant to sell their property?

BC: I think that's right. I think if you used expropriation in a very strategic manner to send a strong message it would shift the politics. But of course those will be challenged in court. And that would have the potential to lock up government attention and expertise in a long court process. That is the disadvantage.

DB: What roles do the Integrated Development Plans play?

BC: We have a research report from a few years ago that shows that there is no integration whatsoever. The IDPs are still being drawn up by consultants (...) and they usually don't provide for land redistribution or agrarian reform. So they are dead ducks at least as far land reform goes. In theory of course this should be where they are integrated into local planning and local prioritisation but it doesn't happen.

DB: So consultants draw up integrated development plans and if land reform does not appear in them than it makes it even more complicated for applicants?

BC: The co-operative governance, which is the division of powers and responsibilities between national, provincial and local is quite a complicated thing and of course land is a national competency in the constitution whereas agriculture and tourism is provincial and local government essentially has the responsibility for service provision. So it is very difficult to get an integrated

approach anywhere. But if land is national and provincial and local say it is not really our responsibility and we have other needs that is the real reason why they are not integrated. When you have too many responsibilities the natural reaction is to say it is not ours and give it to someone else, plus the fact that it is complicated and expensive.

DB: In regard to this, who would you say are the relevant stakeholders regarding land distribution?

BC: It is hugely variable. So it depends for example whether there are NGOs active in the area or not. And in some areas chiefs are main stakeholders. For example in Limpopo they are and they want to extend their powerbase through restitution. And then there are all the other government departments for example in some areas the department of water. And there is a range of potential stakeholders that are not being brought into the discussion. You could say that there are the commercial farming sector and the people that provide services to them and that they are stakeholders too.

DB: What possibilities do claimants have when they want to put pressure on either the sellers of land and on the other hand governmental agencies?

BC: The thing is to get mobilised and organized, and apply collective pressure, go with petitions, have little march if necessary, meet with politicians...and some do and some don't. It is also relevant whether you have support from NGOs or if they see that as an option, and sometimes it is the traditional leader who they think can swing things for them. (...) I think a debate could be around whether the ANC youth league could be seen as an ally or as a power broker, which I don't think has happened yet.

DB: How transparent is the decision process when people apply for land?

BC: My impression is, that beneficiaries and claimants are not very clear about these processes. And it is not explained to them what the process is. I think NGOs, they often try to make the processes a little clearer to the people but

often they themselves are not clear. So we have big capacity problems in government but we have big capacity problems in society as well.

DB: How much is centralisation a problem regarding land reform and redistribution?

BC: I think there are delays because everything has to go back to the director general to sign off on. For over a decade there has been an attempt to provide district offices that can engage in planning and district level approval committees – so there has been an attempt to decentralize but I think often those low level institutions have also lacked strength and capacity. Given that it is a national competency there is a need to have part of it centralised. The real problem comes with I think bureaucratic capacity. You need to process the things quickly and efficiently. They have not had enough people to fill the vacancies, they have very high turnovers and the people who stay in the job are poorly motivated.

DB: How much sense is there in drawing up policies in the national level and then to have them put in place on the local level?

BC: (...) I think there is a coherent set of national policies. I think often people that are young and inexperienced want to implement a very rigid interpretation of a national policy framework when in fact it needs to be adapted to local realities. I think it is about how, it is not in itself problematic to have a national policy.

DB: So there could be a more flexible interpretation but it is easier to stick to what's on the paper?

BC: I haven't done a detailed analysis to find out why people do as they do. We know that setting quantitative targets is problematic. You have an incentive to sign off on projects as quickly as possible whether they are sensibly designed or not. But for a bureaucrat it will be more complicated than that. There will be other factors.

DB: Is the legal process more complicated here than in other countries?

BC: It is hard for me to know, but it is certainly more so compared to Zimbabwe. For officials it is very hard to get their head around it. And they have improper in-service training.

DB: And it is probably even more complicated for the people who are actually supposed to profit?

BC: Well, we had a workshop a few years ago and there was a guy who was working with government and he said 'we are streamlining the procedures for restitution and we have cut it down and there are only thirty seven steps'. And I said 'that is interesting in the fast track land reform in Zimbabwe they only had one step: take over the land and start farming'. I think we have really overdone the bureaucracy here. And I can see why, there need to be safeguards and checks and balances.

DB: Does corruption play a role regarding land reform?

BC: It is beginning to. For example in restitution cases.

DB: Thank you.

2.3 Interview with Roseline Engelbrecht, Women on Farms Project

Date: 22.08.2011

Place: Stellenbosch, Women on Farms Office, Western Cape

Time: 11:00 – 12:00

Method: Interview Notes

Interviewer: David Betge

David Betge

DB: In what way are you involved with the land reform programme?

Roseline Engelbrecht

RE: Among other things I am working with two women cooperatives here in the Western Cape. One in Rawsonville and then the one in Ceres where we did the protest on Saturday.

DB: How many women are in the Rawsonville cooperative?

RE: When we started there were about thirty women in the cooperative but now, there are only five left.

DB: Why is that?

RE: In the beginning everybody was very committed but then the whole process took very long and after four years many of the women had to find other ways, they had to work because their children were hungry and the process of getting access to land took up a lot of energy and time.

DB: By what means did you try to get access to land?

RE: Well, it was a long walk to freedom. At first we tried to go through the land reform programme. The women applied for LRAD and they even found a white farmer who was willing to sell land. It was a woman and after the process of getting funds for that land took very long that woman farmer said that she did not want to sell the land anymore.

DB: Do you know why she did not want to sell the land anymore?

RE: Honestly, I think the Rawsonville farmers, the other farmers in that area did not want black emerging farmers in that area. Apparently that land the women wanted to sell is still in the market now.

DB: What did you do after the woman refused to sell her land?

RE: Then we tried to access land through the municipality. And they even found land that they said the women could use. But when they tried to farm on it, they said there had been a mistake and that the official who had granted the access to that land did not go through the right procedures. So the women could not farm on that land. Then we went to the farmers again and we found one that wanted to give the women land but when he heard that Women on Farms was involved he said: Sorry, I have no land for you. Eventually we went to the Cape Winelands Municipality and they granted us a piece of land. That land is a lease for three years but the money the women are paying is only symbolic, it is one Rand per year. They want to see if the project is successful before the women get long term access.

DB: How did you eventually succeed in securing access to land for the women?

RE: Well, we wanted to show them that we were serious. So on the 9th of August 2009 we organised a land occupation of land that had been unused for thirty years. After that we got a meeting with the Department of Land Affairs who said they would prioritise the women. Which in the end they didn't, so we had to go back to the municipality.

DB: What effect did the protest have, if even after that it still took more than a year to get access to land?

RE: Well, the protest showed that they were serious. It made the farmers and the municipality aware that the women would not wait for the government to do everything for them. It made all the actors aware of the fact that the women are struggling for land. And it got us the attention of the DLA. And the municipality also became aware of the situation. They also became aware of that through the media. When one of the women came to the municipality to ask them for land they were already aware of the case and the situation.

DB: Was there a lot of attention by the media?

RE: Yes, the attention was big. There were a few newspapers and the SABC was there as well.

DB: Was there more media presence than in Ceres last weekend?

RE: Much more. And there were also more people marching. About 300 people. And the farmers there did not prevent the women to march.

DB: Would you say that the need and the wish for subsistence farming is something that concerns women more often than men?

RE: Yes, I would think that is the case, because eventually women are the ones that have to provide for the family. Men often think that their income should be enough and if it is not, then it's the women who have to feed the children.

DB: Did the women of the Rawsonville cooperative want to do subsistence farming in the beginning?

RE: Actually not, they just wanted to generate any kind of income to take care of their families. And WFP proposed to them the idea of Mushroom farming. To them it was a way out of poverty and abusive relationships and a way to more personal freedom. To be the owner of land means more than just the money that you have in your pocket. They wanted to achieve something for their kids. They had been dreaming to possess land when they were younger and to them it is much more than just land.

DB: What did you with the Ceres cooperative so far? Did they apply for a land reform grant?

RE: No, these women have not gone through the land reform process. Even though, that probably should have been something that we should have done from the beginning. The women there tried to get land access via farmers, the farmers association and the municipality. If you apply for LRAD you have to

identify land that can be bought beforehand, and there was not really land available. In Ceres at first we got land through the church but then the church had to take this land back because they needed it for classrooms. The women there have still access to a small piece of land but it is not enough for the mushrooms they are farming.

DB: When did the church take this land back?

RE: That was two months ago. Already in February the Women went to a training by the municipality and there they said that there was no land available, by then the women already knew that the church might take the land back.

DB: What else did you do to get land?

RE: When we started the women asked farmers for land. One of them said he had land but he wanted the women to be part of a share equity scheme but the women did not want that. They were afraid that would create tensions with the other farm workers and also that land would have been very far away.

DB: What will be the next thing you do?

RE: The next thing will be an application to the government for funding to buy land. And we will set up a meeting with the Department for Rural Development and Land Reform in Worcester. We want to know if any land is available in the area.

DB: Thank you.

2.4 Interview with Ricardo Jacobs, Research and Information Advocacy Manager, Surplus People Project (SPP), SPP Office Cape Town, 266 Lower Main Road

Date: 10.08.2011

Place: SPP Office Cape Town, 266 Lower Main Road

Time: 14:15 – 15:00

Method: Digital Recording

Interviewer: David Betge

David Betge

DB: In what way are you or have you professionally been involved with land reform?

Ricardo Jacobs

RJ: I used to work as a field worker, being directly involved in different levels of land reform. Be it at the policy level, at the level of implementation and obviously organizing and mobilizing against the current policy. So that's basically the three levels that I have been professionally involved in. Now I am more involved at the level of policy and research and also mobilization.

DB: Who are the main actors on the national level that are trying to influence land reform?

RJ: I would say the main actors would be organized agriculture, through their institutions like AgriSA and there is another one, TAU, and the Black Farmers Union, which is sort of a right wing union. Then you have institutions of higher learning who have a direct interest in land reform who are involved at the level of policy. Then you have obviously farmers organizations, landless, people, union. So there are a whole spectrum of people. Obviously the state itself, political parties who represent different class interests. So there is a whole mixture of groups and interests involved in land reform. But at the national level you also have international institutions that have interest in South African land reform, especially the World Bank.

DB: Would you say that there are different directions regarding land reform within the tripartite alliance of the government?

RJ: It appears, but at the level of policy I would say there is synergy. All of them use the Polokwane resolutions as something that they regard as representing a radical break from the past. But obviously there are some tensions around land reform. We have the SACP who is pushing a particular agenda. Then there is the ANC who has not been able to shift from the market based land reform approach. Also they say they are busy reviewing willing buyer-willing seller. But it does not represent a fundamental break. Our position is, that when you have a narrow focus on land reform that does not take you to another important aspect of the process and that is agricultural reform. We prefer to talk about a land reform that looks at the entire spectrum. Because on the one hand you have a land reform going on and on the other you have an agricultural policy that undermines the whole process. So you have this neo-liberal restructuring in agriculture but you have a land reform that seeks to redress it. But this sector undermines the whole process of land reform. We have witnessed a few cases where there has been a reversal in land reform where people just gave up everything. Because they could not get access to markets, which are very close knit. We think that this has been the weakness of the entire programme, because it has a very narrow focus. Which I think the state is acutely aware of because it structured the current departments like this: you have a Department of Land Reform and you have the Department of Agriculture, Fishery and Forestry which has quite it's own agenda.

DB: How does the concrete situation look when someone or a group of people applies for funding? For example, do you at the moment have someone who is applying for LRAD?

RJ: Well we have a long history of people who applied and have never been successful. We did a research report two years ago about market based land reform processes and it's weaknesses. One of the key weaknesses at that time was that the budget allocated for it was small, it was one percent of the national budget which is in real terms nothing. I think the calculation at that

time was that if we go on at that rate it would take us a hundred years to redistribute thirty percent. So that was the key problem that we had at that point.

DB: What would you say, were the reasons when people were not successful?

RJ: Well, for the most part it was funds they say. The demand was by far exceeding supply from the state. And then every five years you have a new policy and new criteria and you have to go through different processes. So it is a whole big mess and I don't think they are addressing the core failures of land reform. The budget is the one thing but I think it is mainly this market based approach which from our view, and even they acknowledged it, has been a total disaster. So it's not even a secret. They acknowledge it but their starting point of how to resolve it is very problematic.

DB: When someone is applying for funding who are the main actors that one interacts with?

RJ: Well when farmers applied in the past it has been structured like this: You have these consultants, that if you wanted to apply in the past with LRAD you needed to present a business plan, so you had consultants that get a percentage of the value of the sale and then they write the business plan. And they often had a fixed formula how to write it when they knew how the mechanisms worked and they submitted it even when it did not in any form root in reality.

DB: When people wanted to apply for land they already had to have in mind which land they wanted to buy, right?

RJ: Under LRAD it was the responsibility of the beneficiaries to identify land and there should already be some form of negotiations on the way and then the state would come in to say this farmer X is willing to sell to this small scale farmer group or landless people and then the state would take the negotiations further and that also took long and then the potential seller got fed up and then

he just went through other processes. So, those were some of the problems. The bureaucracy of the state took too long and sometimes there was no funding. Someone gave an offer to purchase and it took three, four years, so the farmer is selling through the open market and that's the end of land reform. That was under LRAD. (...) And then a new minister came and said: Oh, we need PLAS, the new land acquisition scheme where the government supposedly proactively acquires land. And then they identify so called beneficiaries, and these can lease the land and when they are considered appropriate they can have it. The farmers have to go through an interview process and then they are selecting the most appropriate farmers. Which is a totally a bullshit process because I don't see how they are going to recognize the most appropriate farmers by virtue of an interview. We have a farmer who is now involved in that process. (...) In our view it is just immaterial whether this thing is called PLAS or whatever, the reality is this thing is a complete failure.

DB: Is the LRAD programme still on?

RJ: I think they stopped it. All I see is this PLAS programme that they are actively promoting. But they have restructured every single package. (...) I think the biggest push can only come when you build a strong movement that can push for an alternative form of land reform. And it should be a people driven land reform as opposed to the bureaucracy of the state.

DB: Does the government and other policy-making actors feel pressure from the grassroots?

RJ: I think there is pressure from the field but not to extent that everyone would have liked it. You have these conversions of agri business and organised agriculture that are pushing the dominant position within the government at the moment. There is a movement that is emerging but not to the extent that they have been able to push an agenda for land reform. The movement has been weak and fragmented. The dominant position the government pursues is the position of agri business and organized agriculture. There has not been that

type of pressure to prevent that. I might work on the municipal level though but not nationally. (...) Organized agriculture would say it is because of the government that this whole thing has failed and they are not entirely wrong, it is true the state played a huge role in not implementing land reform. But they don't want to accept their part of the responsibility. Because they are the willing sellers. And it shouldn't have been like this. So there are points where we diverge. And then you have PLAAS who have their own view on land reform But PLAAS is a bit tricky because it is one institution but there is not one single view. They have divergent views within. (...) We cannot look at land reform and agrarian reform the way we have looked at it seventeen years ago. There has been a lot of change within the agrarian sector. We have to look at who are the key actors. There has been a lot of consolidation in farming. In the past we had 60.000 farming units today we have 40.000 – 45.000. (...) So there is a whole range of things you have to consider. And I don't think the state is trying to consider all these different variables. And land reform is only one aspect. And it has even been watered down now, because now rural development is also part of it. So you have to ask yourself where they are going to find the resources for a programme of rural development if they didn't even have the money for land reform.

DB: Do you think there might be a connection between the failure of land redistribution and the liberal squatter laws?

RJ: I don't think there is a direct connection. Here you have to distinguish between land needs. In the urban areas and some rural areas there is a big demand for housing. And sometimes these two demands, land for land reform and land for housing, sometimes they compete and they clash. There are examples where we can see that. (...) I don't think there is a causal relationship between the squatter laws and land reform.

DB: Thank you.

2.5 Interview with Karin Kleinbooi, Programme for Land and Agrarian Studies (PLAAS), University of the Western Cape, Cape Town

Date: 24.08.2011

Place: University of the Western Cape, PLAAS Office

Time: 12:00 – 13:00

Method: Digital Recording

Interviewer: David Betge

During the preliminary talk Ms. Kleinbooi spoke about the situation of farm workers applying for redistribution grants. She also talked about a group of women in Stellenbosch that was supported by Women on Farms. I recorded her statement with her consent.

Karin Kleinbooi

KK: They really fall to the back of the line. There is no real prioritisation of farm workers. And those who would get access to these grants they are the more affluent, professional people like teachers. Because they know how to get to the resources and they have the means to get to the resources. The shift that happened in redistribution in 2000 was that there is going to be a bigger focus on creating the black middle class farmer. So they moved away from a pro-poor approach to enable the establishment of a black middle class. (...) Women on Farms helped a group of women in Stellenbosch to acquire land, which is now laying fallow. There hasn't been a single activity by the women who were supported by Women on Farms to actually make that land productive. They have five hectares of high quality commercial farmland. And it is not that the necessary resources aren't available. Of course the municipality had been slow to provide all the necessary resources. I think there are about twelve farmers on land who acquired the necessary resources through pressure. And I think Women on Farms as an organisation could have provided that kind of pressure on the municipality to support that group of women.

David Betge

DB: Have you been involved with the redistribution programme in your research?

Karin Kleinbooi

KK: I have. In the last couple of years I have looked at the issue of redistribution, but more looking what is happening with it. I have looked at some issues around redistribution in Namaqualand, which is slightly different because that is also communal land and communal land rights apply. But the municipality were able to acquire extra land that has been redistributed and I was interested whether that programme allowed for women and prioritised women to access land, because the structures in Namaqualand are very patrimonial. Very similar to what is happening in the former homelands. But the church played a much stronger role in Namaqualand. But it is very different from redistribution here. And I have also looked at a number of share equity schemes in the Western Cape, where farm workers accessed grants and LRAD later on to access shares in agri businesses. And the key findings were that in most of the cases it was predominantly the farmer who benefitted from the share equity schemes and not the workers. I mean in 2007 when we did an assessment of five share equity schemes, in all but one of the cases workers never had any returns on their investment.

DB: In what way do the farmers profit from the share equity?

KK: Well, most of these farms were already in a financial predicament when they accessed the fund. So what the grants provide was a cash injection into their businesses. And where they were on the brink of collapse they were able to make it just over that hurdle so that they could be profitable again. It certainly stabilised the farms and it was just business as usual from there on. Farm workers were never brought on board as business partners. They remained farm workers with farm workers wages and very little to no benefits, from the business venture as shareholders. And it is not difficult to figure out that they would never have benefited from the ventures. Because in most cases farm workers held between five and thirty percent of the shares. So you have a group of between twenty to two hundred workers holding five to twenty percent of the shares while the farmer remains the key beneficiary.

DB: What is the standard amount that is being paid for the shares?

KK: It is the LRAD minimum. I think it has been increased now to 25.000. So with PLAS, which is a slightly different grants programme, most beneficiaries would then have to access external credit, either through a commercial bank or from the Land Bank.

DB: It seems that especially in the Western Cape organised agri business is very keen on these shared equity schemes?

KK: I think the situation in the Western Cape is slightly different from the rest of the land reform. It became the preferred type of approach to land reform because of the high value of land and you are aware that the government follows a willing buyer willing seller approach to land reform which would mean that land would be purchased and would become available for land reform at market value. Ant the land in the Western Cape is among the highest value. So there is no other way of making land reform happening in the province other than finding some way of partnership venture between farm workers or potential land reform beneficiaries and commercial farmers in the area.

DB: Another way might be to build up a lot of pressure?

KK: Oh, absolutely! You know the idea on the willing buyer willing seller, it was probably to try and ensure that farmers would come to the table. To ensure that there would be compensation and that compensation would be fair, based on the market value of the land. If the approach is crap like it has been announced for the last few years, the government indicated that they wanted to get rid of that approach and they wanted to ensure that farm purchases for land reform purposes are affordable they have not actually moved towards that, to either expropriate land were it is unaffordable or go into a different kind of negotiation with farmers. I mean they are still purchasing land on the basis of the willing buyer willing seller approach. Although, with PLAS they have managed to acquire much more land than before.

DB: They have?

KK: Yes, under the PLAS strategy, which has string elements of nationalisation of land, and it was introduced in 2006 by government. Since then they have bought over 600.000 hectares of land to hold. And they make it available on a leasehold basis and it actually cost the state 3.7 billion to buy the land. But what I think is interesting is that most of that land has no beneficiaries listed. So they are sitting with a bunch of hectares of land, which is not actually made available to land reform beneficiaries.

DB: What would you say are the main obstacles when people want to acquire land via the redistribution programmes?

KK: I think it is probably just getting access to that whole process. A lot of people don't know how to apply for these grants, a lot of people don't qualify because they don't have the additional resources, you know a credit, or they are not deemed worthy. It prevents them from even making an application. And I suppose when people do apply, a lot of them don't acquire the grants. And that puts a lot of other people off. So if you know that your neighbour applied and they didn't manage to get that funding you are not gonna make that same effort if you are not sure that it will be successful. So it is uncertainty, it is about the knowledge of how to get access to the grants and then being eligible for the grant.

DB: What role do power relations play in that regard, the different distribution of power among the actors who engage in this process?

KK: It certainly plays a role. I think you can unpack the power issue at various levels. Firstly on a community or beneficiary level there is always those individuals that have political strings so they would access those avenues to either get access to the grant or to get all the necessary resources. And I think at the municipal, local and national level it is also about officials exerting their power into that process and making decisions that will make the department look good. So they will try that for whatever purpose at a given time someone will get access to the grants. So it certainly plays a major role, it's about who controls the funding, who is disbursing the funding, who at a certain point in

time is able to access land reform resources. It also coincides with certain events at certain points. You know, when there is a lot of pressure on the department you might see some movement and you might see large groups of people access certain parts of land, because that is where they want to keep their face or they want to make a political stance. Land reform has always been a very political issue and with politics power goes hand in hand. You have to consider and interpret certain actions around land reform within the framework of who holds the power and who exerts it at what point in time. I mean when it comes to the power with regard to the beneficiaries and share equity schemes, the owner holds a lot of power and he would manipulate that process for accessing that grant until he has that money on his bank account. So farmers often promise farm workers a whole range of things if you participate in accessing the grant. There is a huge interface of power playing within that process. I think one of the key issues was that if workers acquire shares in an agri business it will certainly change the balance of power, because workers would now not only be workers but also share holders. And that hasn't shifted, there is a number of share equity schemes that you can go back to, probably the majority, and see whether there had been a shift in the power relations on farms. And most of the research that PLAAS and some other institutions have been involved in proves that there hasn't been any shift in the power relations.

DB: Do you think that people who want to do subsistence farming have less chances of acquiring land than people who follow a more business-oriented model?

KK: I think what is probably more important is whether the land reform programme allows for these different options. At the moment there is not that option, and we cannot say for this particular group of people there is this particular package, but we need to move towards that.

DB: But in many cases government officials might know, that people who apply with a commercially oriented business plan actually rather want to do subsistence farming?

KK: These are the limitations of the land reform. That you will only be considered for land if you have what they call a viable business plan. (...) So again there are a number of research projects that indicate that this force to create a business plan that obviously would have to look successful before it is considered for a grant it is all based on a notion of creating a commercial piece of land. And that is not entirely the needs of the people that want to access land. You just mentioned that there are people who want to do subsistence farming and that are gainfully employed and that want to supplement their income with a piece of land. So the business plan is again something of what the government wants to create with land reform and that is a black commercial farming sector. And the program does not respond to people that do not want to farm commercially and also does not respond to people's tradition of farming in many rural areas and especially in the former homelands where people have always been engaged in farming but mainly for subsistence purposes. So the business plan is one way of forcing it into that particular direction. And obviously consultants create business plans that fit the programme and then get them paid in the first place. If you have a group of people who have been living in a certain community and who maybe have not any other relation with each other than that and you put 250 of them into one commercial farm that has been managed by one commercial farmer and you want them to run it commercially it is a recipe for disaster. I have done research with Agri Africa where we looked at 250 business plans and whether these had been implemented successfully and in most of the cases it wasn't the case, some of these farms were completely non-functional, because these people don't have the means to farm commercially.

DB: What would be necessary to have a shift in this whole approach towards land reform?

KK: (...) There is a technical aspect, there is trying to assess and evaluate and go back to the drawing board with the legislative framework for land reform and then there is the political will. We need strong political leadership to drive land reform. And if land reform does not become priority for the ANC led

administration we are not going to see land reform. It is always going to be something that is on the back burner of the ANC.

DB: Do you think there is pressure on the government to change policies or that this kind of pressure is building up?

KK: We have seen some pressure building up, but I don't think there is enough pressure. And analysts have tried to explain why that is the case. If you look at the CDE they say that people don't want land for land reform, people only want land for housing. So there is that school of thinking that there is no need for land for farming purposes, there is only need for land so people to have secured housing. And then there is a very small landless peoples movement in the country, which also indicates that there is no significant drive from what is perceived to be this major land need in the country to ensure that land reform is happening, but on the other hand we have this huge unemployment rate and we have this huge poor rural population. If land reform is implemented adequately and efficiently, it might address those issues around livelihoods and might contribute to the eradication of poverty in the country. So there is certainly a role for land reform. And also to shift the land holding pattern in the country it is probably quite important. There might not be enough agency at the moment to put pressure on the government but it is certainly building up. There is certainly agency building up around getting land reform as a political priority.

DB: Would you say that a possible strategy could be to put pressure on the municipal government?

KK: I am not entirely clear whether land reform is now a real mandate of the municipalities and even if it is I don't think there is enough money allocated to the municipalities so it might be an empty mandate. But I do agree, I think if there was more pressure on municipalities to ensure there is land available, municipalities would then be able to push the demand further up to the provinces and maybe from the provinces to the national department of land reform to ensure that funding is allocated. In fact they need to lobby treasury

to ensure that money is allocated for land reform to municipalities. And in fact there have been attempts in the last couple of years through area based land reform planning. And to date there has not been any budget allocated to the programme. But there is a lot of municipal land available, I think some of the municipalities don't even know the extend of their municipal landholding. A lot of white commercial farmers lease land from municipalities. And I think one of the reasons that municipalities don't want to do these land audits is that just before the 1994 elections white commercial farm owners land leases were renewed for up to 100 years so they would be locked in legal battles if they tried and tangled these contracts. Although I do think there is legislation available that would force the breeching of those contracts if it was in the interest of land reform.

DB: Are commercial farmers really so much reluctant to sell their land?

KK: If you look at the restructuring of the agricultural sector, you would see that farming units dropped from, I think it was over a hundred thousand units to now close to 40.000 units. What happened, with the restructuring of the agricultural sector and the opening of South Africa to the international market and dropping of tariffs, and the restructuring of tariffs, a lot of smaller family farmers were not restructuring with that process, and they were forced to sell. What has happened with farming units is, that we have seen a consolidation of farming units. A consortium of farmers would put their farms together and operate as a trust, or operate as an agri business. We might see a reduction of the number of farmers, but these are huge farming units. And there is now a new phenomenon. Agri SA said that a lot of farmers are leaving the country, and that is a very interesting discourse that is put in place by the farmers. They say that because of all the labour laws that are being put in place by government with land reform farmers are leaving the country. But my colleague Ruth Hall looked at farmers that have put up farms in the Congo, and they are not really leaving the country, they appoint managers. Either from South Africa or from the country where they relocate to, so they have farms here in South Africa and they have farms elsewhere. So, we might not see the

extension of agriculture in South Africa but we certainly see the extension of South African Farmers further up in Africa.

DB: Would you say that is more difficult for women's groups to get access to land than for groups consisting of both sexes?

KK: I do think so. In the rural context the issue around land and land rights is still seen as men's business. Firstly they are not perceived as farmers even though a lot of them are very much involved in agriculture. And it is also perceived like that by officials that women are not necessarily farmers, that they will not be successful and they often don't have all the access to resources. They are somewhat held in a position that makes them think you are not worthy of being a farmers so you are not worthy of holding land. At the moment you have predominantly men in the agricultural sector. And when they are successful it is mostly women from more affluent backgrounds. It is very difficult for poor rural women to get access to land and if they do get access it is very difficult for them to be successful.

DB: Thank you!

2.6 Interview with Barry Levinrad, Director Department of Rural Development and Land Reform, Western Cape

Date: 12.09.2011

Place: Department for Rural Development and Land Reform, Cape Town, Western Cape

Time: 10:00 – 11:00

Method: Digital Recording

Interviewer: David Betge

David Betge

DB: How are you professionally involved with land reform?

Barry Levinrad

BL: I am the acting director for land reform for the province and I have worked for the department for sixteen years. And I opened an office in George in 1995 for the then land reform pilot programme. Until 2008 I was regional manager for two districts. And I opened an office in 2003. The way we work is, we are a national department but we have offices in each of the provinces and in this province we also have district offices in each of the district offices in each of the municipal areas. Since last year I have been the acting director for the province. And I have responsibility for the redistribution and tenure reform programmes in the province. These district offices have been opened primarily to deal with land redistribution but with the new departments mandate for rural development we also try to include officials from these other branches. In fact I am going to Ceres to speak with farmers who are applying for land today.

DB: But this is not by any chance about the women's cooperative that women on farm is working with in Ceres?

BL: No, unfortunately I do not know anything about that.

DB: One thing that is not quite clear to me and also not to some of the people I talked to: what is the main mechanism that is being used for land redistribution at the moment? And is there actually more than one?

BL: No, the only mechanism that we use at the moment is what we call our Proactive Land Acquisition Strategy, the PLAS programme. Since the beginning of the last financial year, since April 2010, we only have made the previous individually based grants, the Land Reform for Agricultural Development grants, available in exceptional circumstances. To answer your question directly, our policy does provide for both programmes but it is only possible for us to use those individually based grants in cases where it is not possible to acquire the land as the state. So in cases where there might be a

court settlement that predated our policy shift that would be one case. (...) But the only mechanism we use is PLAS and the land we acquire we make available on leasehold. I am sure you have seen the new green paper. What we already do as a department we are implementing a proposal for a first tier, tenure is only being made available on leasehold. But on long-term leasehold.

DB: Is it already possible to say how well it is working?

BL: I don't think it is really possible. In some cases one could look where it is working. Because since 2007, 2008 it has been possible for us to acquire land proactively, so you have some cases where it's working. There are people who are leasing land from us and there are also some properties where we presently provide our recapitalization and development funding. So the main thrust or the main objectives of our land reform programme in addition to acquiring more land to reach the 30 percent target, we are also providing recapitalization and development funding because people didn't get enough support for infrastructure development. I mean we are acquiring land all the time but we are using different mechanisms often. (...)

DB: Is there actually enough land available, especially in the Western Cape?

BL: Well there is plenty of land available if you have the money to buy it. The question you have to decide is, do you spend 50 million Rand on the best farm in the province or do you buy 50.000 square hectares in the Karoo? Dry land which you can't use except to run animals on. We also have acquired a 20.000 hectare block in the Karoo and we have different groups on that land. We tried to put these people in the grant-based programmes, which required them to form a large group. And large groups don't work unless they are family based units. (...) Yes, there is enough land out there but the difficulty is to find suitable strategic partners for the people. You get various kinds of applicants, you do have some people who are entrepreneurs who could go directly into business and you have others who maybe are just livestock holders who want land for their livestock and don't necessarily want to build a food lot and become commercial meat producers. (...) Presently we are targeting in this

province very high value properties. For example another farm that we are looking at, it is actually a complex of farms, is the biggest milk producer in the province. It is huge. To buy a farm like that is going to cost you hundreds of millions of Rand. So you have to take difficult strategic decisions and there are many risks involved as well.

DB: I suppose that land like that, very high value land, is not going to be used for people who rather want to do small agricultural production?

BL: No, you also need to, as I say, as well as buying farms like that you also need to buy other farms that you can subdivide so that you can address those people's needs as well. And I think one of the difficulties is to have support programmes which are designed for that whole spectrum. So our recapitalisation and development programme does make provision for different categories. So there are some people that don't need a strategic partner, they maybe just want a mentor to come and assist them. That is one of the requirements for leasing the farms that we acquire, that people must be prepared to enter into a strategic partnership or mentorship relationship, because of the mistakes that we made previously.

DB: Does it occur that farmers are reluctant to sell land in certain areas but there is a need for it by the people who live there?

BL: No, I mean it's a buyers market when it comes to buying farms. A lot of people are interested in selling their farms at the right price. And usually when government comes along they think they are getting an inflated price. But people do want access to land close to where they live. But there are also people in the urban areas or even from outside the province who want to acquire land say for example in the wine growing areas or in other parts of the province and I think one of the difficulties that we have is when it comes to allocating leases to people on farms obviously your local role players your local stakeholders have bias to their own constituency. So presently the way our model has worked since 2007, we have used a local committee with representatives from our department, a representative from the provincial

department of agriculture in the area and a representative from the local municipality. But if you give all the choice of selection to such a local committee they are always going to select the locals. They are going to bring a local bias in and not even just a local bias, it can even be a racial bias. So what we started to do now is to actually centralise the selection of lessees and care takers from these farms so the process we now use since very recently is a sub-committee of our provincial grants committee, the committee which decides which farms to buy, so in the future these local committees will make a recommendation which will be tabled at our provincial committee so that we can see that there is fairness. Well and I think it is our constitutional right as South Africans to live anywhere we want in this country so you can't say if you live in Cape Town you don't have access to a farm up the Westcoast or up the winelands. So we are trying to address that. But unfortunately there is more demand than land that we acquire. That's really the problem, meeting the demand. And we get ongoing inquiries from people that want access and we created a database in each district.

DB: Is the availability of land in the department's possession the main obstacle for people who apply for land or are there other important ones?

BL: As a department we would be very concerned if our process and our officials are a barrier. And if I talk about bias, that bias can well be coming from our officials as well. That can be a barrier. So I think it's a practical barrier in any developing country the difficulty to get access. Not necessarily because that access is being refused to you but physically to get access and those who are more connected and more educated and more eloquent maybe generally get access. So it's difficult, it is not just about those who are marginalised, but those who are marginalised who deserve access. In the rural town I think we succeed better, but I think our biggest difficulties here in Cape Town is to answer the expectation of people in the city. And then also politically we are under a lot of pressure. Maybe particularly because we are in Cape Town where parliament sits and people approach their politicians and then politicians approach us to assist their people. So there is huge demand. And what is hard to judge is whether is a need for land for agriculture or a need for land for

housing, which often goes with a farm. And that is also a problem within a high value area that if you want to buy land in the cape winelands. A hectare of vineyard, if it's high value land, can cost you a million Rand. And a lot of the money they ask is for the mansions and the venues on the land. And in this area you have a lot of people who buy agricultural land for lifestyle not for production and they want those big mansions. (...)

DB: What are the concerns of organised agriculture with regard to the redistribution of land?

BL: Some of their concerns in the past have been that most of the redistribution funding in this province went to acquiring equity in existing farms. And over the last two years we had a moratorium on that funding. And I think part of their concerns is that they would like to see that kind of funding continuing, they believe that that is the best redistribution model. However there is evidence and also widespread perception that the only people who benefitted from that model were the farmers themselves. There were many white farmers who sold equity but the nature of relationships remained the same on the farms. One of the other concerns of organised agriculture is that they feel that they are the only sector that is obliged to provide accommodation for their workers and their families. And similarly organised agriculture, where it exists, also wants a separation between your labour relationship and your residential relationship. So the proposals that we have made around agri villages are a reaction to both of those needs. One of the reasons for the pressure that we get from all the different politicians is that we have a minister that has really taken the initiative and met with all different kinds of people and given our number to all different kinds of people. And that way people have access to our politicians and they have access to us. And that is a good thing.

DB: You said there have been a lot of consultations recently with people who want access to land. Do you feel that there is pressure building from a grassroots level?

BL: You know, as I told you, I have been involved in this business quite a long time. I think it varies. The nature of the beast is that you hear from the people that have problems. You don't hear from the people where land reform was successful. If you ask me if there is a social movement building up, I don't think so, I don't think so at all. By taking this initiative as the new department and apologizing where we have made mistakes, and we have made mistakes. In most cases it wasn't the people's fault when they failed. It was our grant structure that forced people in those big groups resulting inevitably in conflict within those groups. And it was the structure of our grants that encouraged people to take loans and made them end up in debt. And support services were also inappropriate. As a department we have to proactively go out and accept the responsibility and encourage people to work with us is the way is happening now. Certainly people are critical about some aspects. For example when we first started out with our PLAS programme the idea was that people would first have a trial lease. But people still would like to have ownership in the end. When it comes to the land claims process people said they wanted us to open up the process again. If I reflect back to, say, ten years ago, there were huge social movements developing. I think there are social movements developing in this country around demands for service delivery. But not so much around land reform issues it is more about service delivery in urban areas. In my opinion a lot of them are very much localized struggles.

DB: Some people I talked to said, that the process of acquiring land took very long. Is this still a problem with the new programme?

BL: Well we can move faster now. But you know with the procedures we have from the point of identifying land to the point of taking transfer is always going to take you at least three months (...) But that is something that we talked about just recently: how do you shorten the process? (...) And yes, what is still very problematic for us is that we still have a lot of people coming to us with farms that they have identified. And then you need to say to them: thanks I am going to have a look at that farm but if we acquire it I can't guarantee that you are going to be the lessee. We are going to go through a selection process. And that doesn't make people happy obviously. But this is necessary for risk

management. I am not saying you can't make redistribution quicker, but if you want to buy land then you can't do it quicker. If you just want to confiscate or expropriate sure, then you can do it quicker, but then there are other political and economic consequences obviously.

DB: Do you think this matter of expropriation, maybe strategic expropriation to put pressure on farmers to deflate prices should play a role?

BL: Sure it does. I had cases where farmers were demanding a certain price and only when they were threatened in writing with expropriation did they become realistic. Expropriation is always going to be a last resort. Because it is time consuming, especially when people defend it legally. It is costly, it is not the most cost effective way. A lot of people say land should be expropriated but what they are really saying is that land should be confiscated. Our constitution makes provision for a number of factors that have to be looked at when looking at compensation for land that has to be expropriated and market price is only one of those factors. You look at historical factors and the extend of state support that might have been there and other factors. In most cases I don't think it makes much sense. You need good negotiators to go out and negotiate.

DB: Has the coordination between the different spheres of government been a problem in the past. And is it still a problem today?

BL: Yes it has been a problem in the past. And yes it still is a problem. It is difficult. At certain levels there is good cooperation. So even our national minister and the provincial minister for Rural Development and Land Reform are in different political parties. Actually at a personal level, there is a good relationship, which I have seen. These consultations, which we have done with all the different groups and the MEC has been part of that. I think there is a good relationship on that level. The difficult relationship would be between ourselves, as a national department and the national department of Agriculture, Fisheries and Forestry and at a provincial level I would say to be honest there is not very close relations. (...) And I think what has made it difficult in the past is that for

two thirds of the past fifteen years there has been an opposition party in power in the Western Cape.

DB: Thank you.

2.7 Interview with Herschelle Milford, Managing Director of the Surplus People Project (SPP)

Date: 10.08.2011

Place: SPP Office Cape Town, 266 Lower Main Road

Time: 11:45 – 12:45

Method: Digital Recording

Interviewer: David Betge

David Betge

DB: In what way are you or have you professionally been involved with land reform?

Herschelle Milford

HM: Prior to me working at SPP, SPP had been looking at the three different Pillars of land reform, tenure, redistribution and restitution separately. Subsequently through all these failures of land reform we kind of merged these three. (...) And now since PLAS (the Proactive Land Acquisition Strategy) is in place we are actually competing with others for the limited land that is available.

DB: PLAS is actually something that is working right now?

HM: From the state's perspective it is something that they are using more concerted. It benefits farmers in terms that there is an opportunity but it has all these other drawbacks, competition and also the fact that the business plan that they have to present is assessed from a commercial farming perspective

which is not the direction where most farmers, or at least those farmers we work with want to go. (...)

DB: So what does your organisation do in detail regarding land reform?

HM: We support farmers to get access to land and once they have land: what are the institutional arrangements and support that can be provided and how to produce agro-ecological. (...) It is really varied. The aspect of land is a huge issue in terms of need but I think it is also an area where for the last year or two there have not been too aggressive strategies to push the state, or to push commercial farmers or different institutions to look at land access. So that is also an area for us that we are looking at to make redistribution happen and it won't happen through the states mechanisms only. We will not see the changes. The whole new level of framework within which the land reform programme is structured needs to be re-looked at and reviewed and re-strategised. That is going to take a long time. Because there is many elements that's required. How supportive are the collaborations between social movements, between the farmers and between the landless across the country and across provinces and the role of NGOs? So there is a whole lot of work that needs to be done to push the state. And SPP's work is at that level of organisation and building social movements, supporting implementation where there is opportunity and all the time look at alternatives and strengthening the advocacy works so that we at least attempt to shift the states view and perception and concept of land reform.

DB: Do I understand correctly that you say during the last years there has not been a lot of pressure from the grassroots towards the government?

HM: There's been enough but not substantially for land to own land. More in terms of commonage and more in terms of just a broader mechanism. And there was one strategy in the province around LRAD where a whole lot of farmers presented the state with business plans and that should have been followed through more aggressively. It's not too late I think there are still moments where the campaign would reassess and say: let's consolidate some of the

work and the memorandums and the submissions and the actions that we've had thus far and say what is the next step of pushing the state but we also need to work with others more closely. And the other organisations are often very turf orientated and the other NGOs are not very open for collaboration.

DB: When a farmer or a group of farmers applies for redistribution which is not under the commonage programme but under LRAD or before that under S/LAG, who would you say are the important actors that are involved in that process?

HM: Usually it's the different state departments and the farmers. And then in many cases when they don't have support organisations that at least assist them with the negotiations it becomes problematic, because it is also again the power relations. In many cases it's usually the state that plays a role and then sometimes agri businesses like the co-ops, the traditional co-ops that have now been a bit transformed but are still gearing up a commercial agriculture model. So that's mostly the players. And also with LRAD and the high land prices – not only going to the willing seller-willing buyer – but if that farmer doesn't want to sell there is no land reform. That's a huge issue. And the state is talking about reviewing it but nothing substantial is happening. (...) But when they buy the land, because of the high land prices, and we're not even now taking willing buyer into account, it forces them to form crowds of people, twenty, thirty people, in order to access the state subsidy in order to buy the farm. And that in itself is unsustainable.

DB: What would you say is the main obstacle for beneficiaries when they apply for land?

HM: Firstly, there is the land price based willing buyer option. But say there is a willing buyer, there might even be a willing seller. It's the process to get to the land. They must present a business plan and if there is not any support it might be quite daunting to follow the mechanisms and the process required by the state. So it's the process in itself. Once they get the land it's the support from the state.

DB: When you are applying under LRAD you have to bring in a minimum of 5000 Rand per applicant – how likely are poor people to be able to do that?

HM: That is one of the issues. But you can also put in your physical work. (...) So it's not in many cases. It's not one of the major problems.

DB: The farmers that you work with, under which mechanism do most of them apply?

HM: Most of them apply under commonage. There are only a few that apply under LRAD.

DB: But redistributing land under the commonage programme is not actually redistribution since the land belongs to the state, or is it?

HM: Yes, it's not really redistribution. Because that land cannot be sold. And farmers have access to it through a lease agreement, which in many cases ranges from one year to maybe nine years, so it is also very insecure tenure for farmers.

DB: So the land can be taken away from them?

HM: They can lose it. So our orientation and approach is, because we assist the state with the commonage policy. So in the areas where we work, we have developed with farmers the commonage policy. So a strategy is, when you have that land, you must use that land productively. You must make it so difficult for the state to evict you or not renew the lease. But it is an interim strategy because obviously farmers would like to own their land or at least have secure tenure. (...) Even in the areas of commonage, and you read about that, people have insecure leases, no water, the quality of the land that they have access to is problematic. So a bundle of problems on that in itself. For us it is something that we have recognized as a gap. That the minimum we can do as an organisation is make concerted efforts to push. Hence also

the discussion around land occupations. And we have seen a few. We have seen some where farmers went on to land that is not being used and the owner is out of the country and the state uses punitive measures instead of looking at the issue and seeing how one can support that, because it clearly speaks of a demand for land. So, we might have more incidents of land occupations in the future if the state does not get its act together. But it also means that we need closer cooperation between social movements, which is shifting. A few years ago you would have had an NGO maybe supporting farmers. In the ten organisations that are part of this national organisation each one is now challenged with a movement of small farmers that it supports. The possibility for shifting the state and pushing the state is there, because of the possibilities when all those movements could come together. But with very different issues because the issues around land reform in Western Cape and Northern Cape is very different from Limpopo and other areas. But if NGOs can step back a bit and allow space or opportunity or facilitate the conversation between small-scale farmers we might see a totally different landscape, in picture of a state being pushed.

DB: If bigger groups of people are applying for land, how much pressure does the process of application put on the groups?

HM: It's hugely problematic because they might not necessarily have a relationship of working together. We call it "rent a crowd" – you really rent a crowd to apply for LRAD grants, it's flawed. (...) You get problems of elite capturing, so who were the players that got the others involved?

DB: So does it happen that local elites that have been there before try to capture the process of land application?

HM: So you have the farmers that have more access, that are more affluent, that present the business plan. Once they have the land, it's theirs, and if they then don't want to work with you they don't have to.

DB: How transparent is the process of approval for a grant application?

HM: There was a district committee at some point that we were part of. So all the business plans would be presented. We didn't have voting status but at least we could observe and give input. But eventually the state departments, land reform and agriculture as the main players make the decision. But with PLAS I am not sure how it works. There might be such a mechanism as well but so far we are not part of it.

DB: When people apply for funding, how centralized is the whole process of application?

HM: It all happens mostly on the provincial level. The applications for LRAD will go to the province and they would then with the district assessment see whether that project falls into the municipal development plan. If not, the local government would not provide any support to that initiative. So it's also in the responsibility of the farmer that their project is within the development plan.

DB: Is it even possible for individual farmers or even groups of farmers to successfully apply without the help of an NGO or any third party?

HM: That's also part of the issue. Whether it is an NGO or something else, the process in itself is a difficult one for people to do it all by themselves.

DB: How well does the cooperation between the local and the provincial and the national level work?

HM: National might have a policy, the interpretation of that policy on local level – that's two different things. The speaking to each other is hugely terrifying. And there is resistance to form co-operations with NGOs. They would try to put a policy framework in place first, instead of consulting with farmers and other players right from the onset. We cannot fully understand what's the thinking within government but there is a real resistance to work with NGOs.

DB: To come back to the application itself. It seems that this process is very complex and difficult with all the different actors involved?

HM: In many cases the farmers must look out in the area for farmers that are willing to sell. And then they would start with the negotiation and in some cases the farmer might be willing to sell. Then they must get the state to be the willing buyer and the state might not have the budget or that process takes so long that that farmer, even though he has the willingness to sell will rather then sell to another farmer. And then they would have to start the process all over again. And then there are other cases where farmers don't want to sell even though they own thirteen farms. But even in the positive cases the process from the start can take so long that they would lose it there are many cases of that. And they would have to start all over again, so people will also give up. You know, why bother? Who wants to do the same thing all over?

DB: How much are farmers usually willing to sell parts of their land?

HM: We have done a research to understand that. And the results were that it ranges. But there is also a high level of racism where they don't want to sell. That is still real. They rather put it in trusts because it is generational. So that is a huge problem.

DB: Who determines how much the farmers are being paid for their land?

HM: The market decides. The farmer makes his prices in relation to value and that's it. And sometimes the state would send valuers, but even that valuers...it's also who you know. It's so linked to: I know you and I own the farm. So it's about the power and who owns property and who owns agri business and a web of relations that farmers must concede with and engage with and try to understand. Because only as a loner you are not able to digest.

DB: Thank you.

2.8 Interview with Fatima Shabodien, Executive Director of Women on Farms Project

Date: 20.08.2011

Place: Ceres, Western Cape

Time: 08:00 – 09:00

Method: Digital Recording

Interviewer: David Betge

David Betge

DB: How are you professionally involved with land reform?

Fatima Shabodien

FS: I have been the director of Women on Farms for the last seven years. Women on Farms is a NGO that is focused on the livelihood needs of women who work and live on commercial farms in South Africa. So there is a big part of that with land reform focus. My other involvement is that I have worked for the first government department in the post-Apartheid era charged with conducting land reform. At that time it was called the Department of Land Affairs and now it is known as the Department of Rural Development and Land Reform.

DB: What does Women on Farms do exactly?

FS: Our focus is on rights education for women farm workers and also for men, but mostly women. And then we engage in political education of women and are doing campaign work on behalf of women and in defence of their rights.

DB: And are you mostly concerned with tenure rights and that part of land reform or also with the redistribution part?

FS: For us, our constituency is people who find themselves on commercial farms, the point of crisis is usually tenure problems through evictions which is usually

linked to other rights violations and then later the demand for land reform. Generally for farm workers who don't engage in small scale agriculture at all the first demand is not for land, the first demand is for secure tenure. But when we work with workers and then through political education usually workers reach a stage where they say actually the long-term solution can only be land redistribution.

DB: That means that you are also involved in redistribution processes?

FS: We are involved in redistribution as well, because we also support the formation of women's agricultural cooperatives who obviously need land to farm on.

DB: How do you support people that are applying for land?

FS: If I take the cooperatives that we have been working with then first of all the women form themselves legally as a cooperative that is registered with the state. Then we provide the women with technical and agricultural training and then we support women in applications for land from the department for rural development or local municipalities and in some instances we even try negotiating with local farmers and then, once women are on the land we will support them with the process of production. The big obstacle is of course access to markets for small producers in South Africa.

DB: Who are the main actors that you are dealing with regarding the distribution of land?

FS: The local officials of the department of rural development, the municipalities and also the farmers themselves.

DB: And what are the main obstacles for acquiring land?

FS: I don't want to talk about the technicalities of the process, because I think we are faced with a bigger problem. The process in itself is flawed, we have many

little problems in terms of bureaucracy but fundamentally we can't afford a willing buyer willing seller programme the fiscus can't sustain it and everybody who needs land won't get it. And as the first sixteen years illustrate it doesn't shift land in any case. So the area that we are going to, Ceres, is an area with a very active land market, so land is always changing hands, but it is changing hands in an open market between white farmers. And despite the very high demand for land by black people themselves and also through the department of rural development they can't acquire the land that they want. Because number one: these farmers have a choice, so they sell to other farmers. And number two if they do sell to the state they inflate the prices so high that we can't buy it. So, willing buyer willing seller doesn't work. So we would like to see that fundamental principle change.

DB: Would you say that the budget in general is too low, or in this specific province?

FS: The kind of budget that is required for the land reform we dream of would be unrealistic in relation to the other developmental priorities of the country. So if we want land reform to happen at scale in the way that we want it than the budget for it is much higher than what is being allocated at the moment. But I am saying what we should fight for is not for higher budgetary allocations but for a change in the model so that the cost of it is not so significant.

DB: Who would you say is influencing the government in regard to their policies?

FS: The first draft of the land reform programme was written by the World Bank. I know this because I was in the Department of Land Affairs and the World Bank had an office in the Department of Land Affairs. So it was a very neo-liberal framework from the beginning. And the idea was that; South Africa has had this miracle transition and the world was watching, they wanted to see how the Africans were going to run this country, which was considered to be a stable middle-income economy. Even though it serviced only ten percent of it's population or less. So it was seen as an economically sophisticated society and the markets were waiting to respond to whether they were going a

socialist route or would maintain a capitalist orientation. And I think this scared the ANC into taking this conservative, neo-liberal approach of market-based things because the fear was disinvestment or even worse sanctions against the country. So I think this was the main concern of an insecure new government that was afraid to rock the boat. I think they were more afraid of the international markets and economic instability than they were of their own people.

DB: What would you say is preventing the government from changing the policy now?

FS: I think nothing really. I think those same fears of course still prevail. I think parts of our government have been co-opted by the industry. They are themselves stakeholders in large business co-operations including agricultural businesses. So it's also self-interest that is perpetuating the existing policy framework. And also, it is a lack of organisation by rural peasants. If we were a force to be reckoned with it would be different. Peasants are not such a high number in South Africa as in other sub-Saharan countries. But we should be a powerful political block that the government should be afraid of. Not afraid of in fear but one that they should want to be sensitive to. And of course we see that this is not the case and that has to do with lack of organisation.

DB: And with regard to your work, how well does the communication and the cooperation with the government work?

FS: Well, it varies significantly. There are areas of very positive cooperation. Those are the areas where our strategic goals and the government's strategic goals converge. And as an NGO we always remind ourselves that this is a democratic state with an elected government and that the majority of people including the poor people that we claim to work for have chosen this government. So as an NGO we work with the modesty that no-one has elected us. But at the same time we know that just because people vote for the ANC it does not mean that they are satisfied with all their policies. And with regard to the issue of land people are very unhappy about the state of our country. The

principle is the acknowledgment of a democratically elected state and we work with government. And today is one of those instances when the government has failed the landless people of Ceres. The only land reform that has taken place was through farm worker equity schemes which is highly discredited. I mean a moratorium was placed on it by the previous minister of land affairs because they knew it was problematic and then the moratorium was lifted without an explanation as to why it was happening. And in the Western Cape the farmers favour farm worker equity schemes because they don't lose their land. There is no effective land reform taking place. The model is that the farm workers use their land reform grant to acquire shares in the existing enterprises. But often it's failing. The agricultural enterprises use the land reform grants to recapitalize their ventures. And in some cases people have been shareholders for a decade, that is the oldest farm worker equity scheme, and they have seen one or two dividends. So clearly it doesn't improve livelihoods. It is supposed to be something for after retirement. But people need support for their livelihoods right now.

DB: You said the cooperation with different government bodies works in different ways. When it comes to the Department for Rural Development and Land Reform, how cooperative are they?

FS: I think in the Western Cape we are supposed to have one of the best performing departments in terms of land reform expenditure, spending their budget. But because they are spending their money on the share equity schemes we have frustration in it. We participate in the process but we see very little positive outcome for farm workers and certainly almost none for women farm workers. It is not necessarily because of the officials but it can be due to the constraining policy framework in which they are operating because officials can't do their own thing. Many of them are quite frustrated themselves because they can't do a radical land reform because the restrictions are so severe.

DB: Are share equity schemes officially part of the land reform programme?

FS: It is an official form of redistribution. It is classified by the department. It was born in the Western Cape because this is the first point of colonial occupation. And in terms of vineyards it is old establishment. And the prices are much higher. So it is very hard for them to acquire land and the shortcut in terms of reaching numbers of beneficiaries is share equity schemes instead of buying land for 200 farm workers. (...) The department does not have the economic skills to analyze the soundness of an agricultural business. So they don't know if they are buying into a healthy business or one that is falling apart. And from a labour rights perspective it is also problematic, because the workers become owners as well. (...) Of the three equity schemes that we are intimately familiar with in the Stellenbosch area only one of them has ever seen a dividend. And those were 600 Rand. And they have been shareholders for seven years. They could have also given them the money to invest it in the stock exchange or even put it in a savings account they could have earned more interest. And another thing about the share equity schemes is that the farmers sub-divide their businesses. They put their land holding into a separate company and their agricultural enterprise into another one and then when they sell shares people buy shares into the agricultural company which means that technically land is secured and is not transferred. And in a technical sense this can't be seen as part of land reform.

DB: Can you explain what is happening today?

FS: One of the problem areas of the work of our organisation is women's cooperatives. Basically in the Western Cape, because it was the first place of colonial dispossession, most black people have lost their relation to the land about 300 years ago. So people's confidence to go back on the land and produce for themselves is very low. And one of the principles of working together is to help especially women, to help them re-establish the confidence in their abilities. We start from the point that our focus of land reform is not de-racializing the commercial agricultural structure, because a farmer in South Africa for more reasons than that it is a white farmer who controls many black people. So initially the land reform programme was that white commercial farmers were replaced by black commercial farmers. So that does not change

patterns of exploitation and environmentally it is not a sound way of doing work and from the view of my organisation it does not change anything about the exploitation of women. So our alternative vision for land reform takes all these things into consideration. And our answer are women's cooperatives that produce ecologically. My organisation works with unemployed women farm workers who are interested in doing their own thing. But of course it does not matter what amount of training we do, ultimately it is about land access. That has been the single biggest obstacle for all the women in all three cooperatives that we have. Two ago years we had a massive demonstration on women's day and we did a land occupation and it seems when we do things like this, suddenly the local politicians and decision makers take notice of us. Even though we follow all the procedures. In the Rawsonville case we negotiated for three years, they gave us a contract to occupy land and then they revoked the contract. But after the march they opened the discussion again. (...) We have to bring attention that there are these unemployed women and their children are starving of hunger and there is land in Ceres. The foremost farmers family in this area own 12 farms and they are not using all the land, so it's crazy. So why do have women to walk around, their children are hungry and they are willing to farm and all they need is land. (...) In this province in 2008 we had a food security summit and the commercial farmers publicly committed to avail land for farmers. We have not seen any of that happen. So today is about that. It's about to support the women's cooperative to acquire land. It is a very rich area this place that we are going to. It is a prime export region.

DB: By which means did the women try to acquire land?

FS: Through the land reform process. And we also talked to the municipality and they said there is not commonage land and they don't have money to buy commonage. And we also went around and told the commercial farmers the women only want one hectare and in all these thousands of hectares they can't get one hectare, it's crazy.

DB: Did you also go through other programmes or did you just try to get land through the commonage programme?

FS: No, we also tried the redistribution programme, but nothing came from that.

DB: Did you get any answer on that application?

FS: They just said they can't get land. In the first year they said their budget was exhausted, but in the second year they said there was no land. Then again there is the problem that there is no public transport and the women live on the farms so they need to get to the land they might acquire.

DB: Who is involved in this specific case?

FS: It is the Department of Rural Development, it is the local municipality and the district municipality, the local commercial farmers association because we approached them.

DB: And what have been your actions so far?

FS: Well, we never tried protest actions here. We have been in negotiations. And the women even started farming on land that was given to them by the church but now it has been revoked because they need the land for their school project. So they decided not to have a fight with the church about it.

DB: So your organisation works with three different women's cooperatives and one of them acquired land so far?

FS: Well, it is like a lease from the municipality. And the others are on commonage. The ones in Rawsonville are on a five year lease. The others are also on a five year lease but the problem with the Stellenbosch community is that the land quality is very poor, there is not enough water and there is a problem with security (...) so it is not just about getting the land it is all the other support around it.

DB: Do you think that getting attention for the cases is the most crucial factor?

FS: Without a doubt if we had a government with greater commitment to land reform that would be the ultimate variable to make a difference. Because government is in a position to do it and they can expropriate but they don't do it. So people have to get organised because that is how a democracy works. You have to show that you have power and you will mobilise in the same interest. There is nothing unique about this, the context of South Africa or of land reform. People who hold power, who benefit from that privilege are not gonna wake up one morning and say we are going to do this because it is the right thing. There is a contestation that has to take place and that requires the marginalized to get organised.

DB: Why are government officials so passive or ignorant about giving land to people?

FS: Well, not all the officials are great but by and large they are very committed and doing what they have to do. There is not much that they can do within this framework and with the budget that they are given. (...) The biggest problem is that we have a policy that is not going to work. Six years ago they told us WSWB is not going to work. And nothing has happened since then. And that is what I can't understand, the slowness of making change happen.

DB: Thank you.